



**RICHMOND CITY CORPORATION
90 SOUTH 100 WEST
RICHMOND, UTAH 84333**

AGENDA

Public Notice is given that the Richmond City Council will meet in a regularly scheduled meeting at 90 South 100 West, Richmond, Utah, on **Tuesday, March 17, 2026**. The meeting will begin at 6:30 PM.

Welcome and Opening Ceremonies by Joel Draxler.

1. Approval of the city council meeting minutes from February 17, 2026.
2. Discussion and possible approval of Joyce Littlewood as a member of the Richmond City Library Board.
3. Discussion and possible approval of Melissa Titensor as City Treasurer.
4. Discussion and possible vote on Ordinance 2026-01, an Ordinance amending the Richmond City Municipal Code, Title 13-000 "Police Department", Chapter 13-200 "Animal Control", Parts 13-261 "Definition and Establishment" and 13-265 "Pre-Existing Kennels".
5. Discussion and possible vote on amendments to the Employee Personnel Manual.
6. Staff reports and monthly financial review
7. Council Member and Mayor Reports

Adjournment

*****Items on the agenda may be considered earlier than shown on the agenda.*****

In accordance with the Americans with Disabilities Act, individuals needing special accommodation for this meeting should contact the City Office at (435) 258-2092, at least 3 days before the date of the meeting.



RICHMOND CITY COUNCIL MEETING February 17, 2026

The regular meeting of the Richmond City Council was held at the Park Community Center located at 90 South 100 West, Richmond, Utah on Tuesday, February 17, 2026. The meeting began at 6:30 p.m. Mayor Jeff Young was in the chair.

Welcome and Opening Remarks by Bryce Wood

Council Members Present: Lyle Bair, Joel Draxler, Fran Schumann, Bryce Wood

Council Members Excused: Daryl Black

Staff Present: Justin Lewis (City Recorder), HollyJo Karren (City Administrator), Karyn Tejan, Bryan Tolbert, Melissa Titensor

Visitors: Suzanne Dent, DiLynn Christensen, Rose Ann Anderson, Jean DeGasser, Tad Spiekerman, David Robinson, Lynette Robinson, Cindy Smith, Dave Cavanaugh, Sharon Webb, Rhett Fitzgerald, Kalli Fitzgerald

Approval of the January 13 & 21, 2026 City Council meeting minutes

*****Councilmember Wood moved to approve the January 13 and 21, 2026 City Council meeting minutes. Councilmember Draxler seconded the motion. The motion was approved unanimously.*****

Yes Vote: Bair, Draxler, Schumann, Wood

No Vote: None

Absent: Black

Discussion and update with representatives of the local DUP (Daughter of Utah Pioneers).

Susanne Dent from the James and Drusilla Hendrick’s Camp of the International Society of the Daughters of Utah Pioneers, which is headquartered in Salt Lake City, discussed their program. They meet monthly, which is according to their bylaws. She appreciated the great support with many members in attendance. There are artifacts and memorabilia in two buildings: the James & Drusilla Hendricks Relic Hall and the Relief Society building. The organization turns 125 on April 11, 2026, so they would like to celebrate with special activities during Black & White Days in May. They plan to create a genealogy tree at the Relic Hall, where citizens can identify their ancestry and connection to James and Drusilla Hendricks. During that time, in the Relief Society building, they want to feature special family artifacts. In 2024, a grant was received that enabled stopping of deterioration and incorporate modern materials and practices to better preserve and restore artifacts. Over 300 hours have been spent removing decaying materials, making repairs, and creating lasting, beautiful displays. A ribbon-cutting ceremony was held in May 2025. The residents and international officers have been very impressed by all the hard work. She recognizes and appreciates the City Council's support. With donations from the Richmond Lions Club,

local citizens, and the City of Richmond, the roof of the Relief Society building was replaced last year. The building still has problems with the exterior railings, siding and windows. She asked that these issues be considered in future planning and decision-making discussions.

Mayor Young asked whether some of these concerns had been previously discussed. Mr. Lewis said there were some bids in the past; however, the City Council chose not to move forward with those at that time. Mayor Young asked the staff to send that information to the current City Council members to review.

DiLynn Christensen reported that there were 300 visitors to the relic hall in 2024 and 420 in 2025. They continue to try to get the word out. There are thousands of dollars in artifacts on display. The arts and museum received a \$5,000 matching grant. There were 468 volunteer hours put in to help improve the building. They would like help in modernizing the relics and putting that information online. This is a service that youth volunteers could help with.

Mrs. Dent said there used to be a 3-foot banner, circa 1980, that was hung across the highway during Black & White Days. That banner cannot be located. She asked if a new banner could be hung across Main or State Street by the Black & White building to promote events. Mrs. Karren said there have been concerns with UDOT (Utah Department of Transportation) about hanging signage across the highway. Mr. Lewis said there are concerns with liability if banners are strung across roads. Councilmember Schumann suggested hanging it by the Black & White building and not across a road. Mayor Young liked that suggestion and asked staff to look into it.

Discussion and possible vote on Resolution 2026-02, a Resolution to inform the State of Utah Water Quality Board of actions taken concerning the Municipal Wastewater Planning Program Report for 2026.

The Municipal Wastewater Planning Program is a program established by the State Of Utah Department of Environmental Quality to assist cities in evaluating their wastewater and treatment facilities, financial planning for current and future needs, and to assess their preparedness for future development potential.

Bryan Tolbert, Wastewater Facilities Manager, advised that this is an annual survey that is done each year for planning purposes.

*****Councilmember Wood moved to approve Resolution 2026-02, a Resolution to inform the State of Utah Water Quality Board of actions taken concerning the Municipal Wastewater Planning Program Report for 2026. Councilmember Schumann seconded the motion. The motion was approved unanimously.*****

Yes Vote: Bair, Draxler, Schumann, Wood

No Vote: None

Absent: Black

Discussion and possible vote on Resolution 2026-01, a Resolution amending the Prevailing Fee Schedule of the City.

Mayor Young said this was initially discussed last month. The Community Building is currently under renovation/construction with RAPZ Tax funding so this discussion will be related to the Park Community Center where the City offices are located. Other buildings can be discussed and concerns can be addressed at a future meeting. The hope is that the Community Building should be completed by mid-April. Richmond has the unique ability to rent facilities. Mayor Young has received feedback that the rental cost for the Park Community Center gym and kitchen is too high. Although he does not want it to be the cheapest rental rates in the valley, he would like for it to be available for residents to use at a reduced rate/fee. One of the recommendations is that each household, based on utility account number, be able to use the facility at a reduced rate twice annually at a rate of \$250.00 with a \$100.00 reimbursable deposit. This seems to strike a fair balance and allow community members to have the opportunity to rent at a lower rate.

Mr. Lewis said it would be easier to track by utility holder rather than “per household”.

Councilmember Bair asked if the twice annually reduced rate could be used at different buildings. Mayor Young said that would make sense and can discuss other facilities at a future time when all improvements are completed.

Mr. Lewis reiterated that this proposal is only for the Park Community Center.

The proposed Richmond City Prevailing Fee Schedule, to be adopted, sets forth the fees to be charged from February 18, 2026, until a future update by the city council for the following:

Park Community Center

Friday, Saturday, Sunday Combined Rates

Resident:

Current Daily Rate: \$400 Rental Fee, \$200 Deposit

Proposed:

A Richmond City Utility Account Holder would be allowed two rentals per calendar year per account at the following reduced rate: \$250 Rental Fee, \$100 Deposit. A third rental or more per calendar year by the same utility account holder would pay the following rate: \$400 Rental Fee, with a \$200 Deposit.

*****Councilmember Wood moved to adopt Resolution 2026-01, a Resolution amending the Prevailing Fee Schedule of the City. Councilmember Draxler seconded the motion. The motion was approved unanimously.*****

Yes Vote: Bair, Draxler, Schumann, Wood

No Vote: None

Absent: Black

Staff Reports and monthly financial reviews

Mrs. Karren reported one building permit and a few sign permits have been received the previous month.

Mr. Lewis reviewed the following financial information:

- Sales tax revenue for the month totaled \$72,531
- The cemetery contract for January through June was paid in the amount of \$38,722. The total fiscal year amount paid by the district to the city was \$76,317.
- Grave digging paid by the district to the city for July through December totaled \$7,290. This is in addition to the contracted amount.
- The RAPZ Tax application for the pickle ball courts has been submitted. A RAPZ Tax application and an application through the State of Utah have been submitted for the project. If either of the grants is approved, the project will begin in the next fiscal year.
- The new budget will have the initial discussion in April with a follow-up discussion in May and then adoption of the new budget in June.
- March city council meeting will be on Tuesday, March 17th

Mayor Young asked Mr. Lewis to present the new budget in a simplified format that is easy to understand and logically organized. The intent is to ensure it can be clearly explained and that questions from community members can be answered effectively.

- Community Building remodel expenses through the end of January totaled \$21,954. The project consists of \$135,000 in RAPZ Tax funding, a \$25,000 donation and \$15,000 from the city.

Mayor Young mentioned that he and Fran will be more involved in the remodel, finances, etc. on the project moving forward as well as overseeing The Park Bench.

- The payment to Smithfield City for fire service coverage from January through June was made in the amount of \$50,944. The total paid for the fiscal year is \$101,888.
- Water Impact Fees collected through January total \$113,380
- Sewer Impact Fees collected through January total \$64,734

Mayor Young asked Councilmember Bair to help follow-up with the Fire District Board and what they are doing. There will be a future discussion as it moves forward and issues are navigated.

Mayor Young advised that the new budget discussion will begin in April. He recalls some previous discussions about approval of a new snowplow truck. He asked staff to look into those details as this is something he would like the Council to revisit. He believes there may have been a consensus from the Council but no official vote or approval as it is not a specific line item in the current budget.

Council Member and Mayor Reports

Councilmember Draxler has been to a few sewer meetings and visited the sewer plant, and he appreciates all of the staff's hard work in this area. They are asking J-U-B Engineers to review the Sewer Master Plan going forward to ensure economic feasibility.

Councilmember Bair has old survey and information on culinary water well sites that he will give to Councilmember Draxler. Mayor Young said J-U-B Engineers was also requested to review the old information.

Councilmember Bair said one of his biggest concerns regarding the Cache County Fire District is that they have been operating without a tax. They have been funding fire apparatus out of the Cache County General Fund. He is concerned about how taxing will work out and whether each city will receive a different rate such as large cities versus smaller cities versus the unincorporated area of the county.

Mayor Young has spent a lot of time with personnel and learning how everything is functioning. He is suggesting that Black & White Days should be scaled back this year since last year it was big, celebrating 110 years. He wants to be cautious about what employees are doing and the hours spent during that period of time. He has had some good discussions with the Mayor's Association, which meets monthly. Fire/EMS concerns have been a major topic of discussion. He has a good rapport with other local mayors. He is going to recommend holding off on COG (Council of Governments) requests for a couple of years so that funding can be used in other cities, towns or the county that might need more help than Richmond at this time. He is also concerned about parking south of White Pine Elementary and is considering possible improvement options. This has been a topic of conversation and frustration for many years. He will schedule a meeting with the principal and superintendent and would like to make a good-faith effort on the City's part to try and help resolve this issue.

The City Council took a short recess at 7:29 P.M.

The council meeting was reconvened at 7:34 P.M.

Closed Meeting to discuss the character, professional competence, or physical or mental health of an individual. Utah Code Annotated 52-4-205 (1) (a).

*****Councilmember Wood made a motion to close the regular council meeting and open the closed meeting. The motion was seconded by Councilmember Bair. The vote was unanimous.*****

Yes Vote: Bair, Draxler, Schumann, Wood

No Vote: None

Absent: Black

The closed meeting opened at 7:34 P.M.

Those in attendance: Mayor Young, Lyle Bair, Fran Schumann, Bryce Wood, Joel Draxler and Justin Lewis.

Justin Lewis exited the meeting at 7:38 P.M.

Bryan Tolbert joined the meeting at 8:33 P.M.

Bryan Tolbert exited the meeting at 9:55 P.M.

*****Councilmember Wood made a motion to close the closed meeting and reopen the regular council meeting. The motion was seconded by Councilmember Bair. The vote was unanimous.*****

Yes Vote: Bair, Draxler, Schumann, Wood

No Vote: None

Absent: Black

The closed meeting closed at 11:06 P.M.

The meeting adjourned at 11:06 P.M.

RICHMOND CITY CORPORATION

Jeffrey D. Young, Mayor

ATTEST:

Justin B. Lewis, City Recorder

**RICHMOND CITY CORPORATION
ORDINANCE 2026-01**

WHEREAS, the City Council of Richmond has the responsibility for the general welfare of the City; and

WHEREAS, such responsibility includes but is not limited to, establishment of best management practices;
and

WHEREAS, management practices may evolve over the passage of time:

NOW THEREFORE, the City Council of Richmond City, County of Cache, State of Utah, hereby adopts,
passes and publishes the following:

**AN ORDINANCE AMENDING THE RICHMOND CITY MUNICIPAL CODE, TITLE 13-000
“POLICE DEPARTMENT”, CHAPTER 13-200 “ANIMAL CONTROL”, PARTS 13-261
“DEFINITION AND ESTABLISHMENT” AND 13-265 “PRE-EXISTING KENNELS”.**

BE IT ORDAINED BY THE CITY COUNCIL OF RICHMOND CITY, CACHE COUNTY, UTAH AS
FOLLOWS:

1. Sections shall be amended such that the highlighted areas below shall be added and the ~~strikeout~~ areas shall be deleted.

13-261 DEFINITION AND ESTABLISHMENT

Anyone, other than a licensed veterinary clinic, owning, keeping, harboring, or maintaining three (3) or up to six (6) dogs over the age of four (4) months at any given address shall be considered to be operating a dog kennel. Individuals, families, multiple occupants of a single dwelling, companies, corporations, or other combinations considering the establishment of a kennel must adhere to the provisions listed below.

- A. Obtain a conditional use permit. In considering each application for a conditional use permit relating to a dog kennel, the City Administrator or designee shall consider, among other things, the zone in which the conditional use is proposed, the size of the lot involved (refer to 13-261(B) below), the proximity of the proposed kennel to neighbors, the proposed size of the kennel, its placement on the property, and the proposed number of dogs, whether less than four (4) months old or four months (4) and older. Each permit shall clearly state the maximum number of dogs to be allowed, regardless of age. ~~An agreement signed by all neighbors (immediately adjacent and directly across from the proposed kennel) must be submitted to the city with each application.~~

13-265 PRE-EXISTING KENNELS

~~Existing de facto kennels at the time of the passage of this ordinance are protected from the 20,000 square feet of land requirement and need to obtain a conditional use permit but are subject to the license fee payment. De facto kennels must adhere to the provisions of 13-264 or their status will be immediately revoked. Should the de facto kennel cease to function for one (1) calendar year, or should ownership of the property change without immediate assumption of identical kennel use, said protection is lost.~~

~~For the purposes of this chapter, a de facto kennel shall be defined as any individual/family who has three or more dogs legally licensed at his/her/their residence as of January 31, 2003.~~

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.

Ordinance 2026-01

4. This ordinance shall become effective after the required public hearing and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Richmond City Municipal Code above referred to.

ADOPTED AND PASSED by the Richmond City Council on this 17th day of March, 2026.

RICHMOND CITY CORPORATION

Jeffrey D. Young, Mayor

ATTEST:

Justin B. Lewis, City Recorder

RICHMOND CITY PERSONNEL MANUAL

The Richmond City Personnel Manual (the “Policy”) was formally adopted by the Richmond City Council at the December 10, 2019 City Council Meeting with an effective date of January 1, 2020. The Manual has been amended effective March 18, 2026.

SECTION 1 – INTRODUCTION

The City Council and Mayor have established the following policies and procedures to require the use of standard principles in all City activities related to personnel, so all personnel actions are as fair and impartial as possible.

The rules and regulations contained in this Policy shall be administered uniformly and apply to all Richmond City employees and others including: (1) elected officials, (2) members of volunteer boards, committees and commissions, (3) independent contractors, (4) employees hired for temporary positions (six months or less in a calendar year), and job applicants.

The policies or procedures contained herein are intended to be in harmony with federal and state laws and shall be interpreted in a way to comply with such laws and shall be subordinate to such laws whenever any conflict is shown to exist.

Department policies are intended to be in harmony with this Policy and shall be subordinate to such laws whenever any conflict is shown to exist.

While the City believes that the policies and procedures are in the best interest of the City and its employees, these policies and procedures are not conditions of employment.

The City Council reserves the right to modify, amend, revoke, suspend, terminate or change any or all of these policies and procedures, in whole or in part, at any time, with or without notice. Because the City’s work requirements, programs, funding and service needs are subject to change, employment conditions and status are subject to change at any time.

Subject to any contrary requirements of law, including Utah Code § 10-3-1105, or agreement by the employee and the City, regular full-time and regular part-time employees are considered “at-will” employees and may be subject to separation for reasons other than cause, including but not limited to reduction-in-force, curtailment of work, or lack of funds. For employees subject to the provisions of Utah Code § 10-3-1106, employees will be retained based on the adequacy of their performance and subject to any applicable disciplinary procedures under these policies. Employees entitled to the protections of Utah Code § 10-3-1106 have the right to appeal as outlined in this Policy

Employees identified in Utah Code § 10-3-1105(2), as amended, which generally includes employees appointed to their positions and Department Directors, are at-will employees as long as they hold a position listed under Utah Code § 10-3-1105(2), as amended.

Nothing in this Policy creates a promise or contract for continued employment or a requirement of progressive discipline.

Nothing herein shall be construed as preventing the City from entering into employment contracts with specific individual employees when the City Council and Mayor believe that such an employment contract will be in the best interest of the City. Employment contracts with individual employees must be in writing to be binding upon the City and shall be drafted by the Mayor or his designee and must be individually approved by the City Council. In case of any conflict between an employment contract with an individual employee and the policies and procedures in this manual, the terms of any fully executed employment contract shall control.

Independent Contractors – Individuals or entities providing services to the City under contract are not City employees. They are responsible for their own taxes, insurance, and business operations, and are not covered by this Policy.

Volunteers – Individuals who provide services to the City without expectation of compensation are not City employees. Volunteers may receive reimbursement for expenses or a nominal stipend where permitted by law. Volunteers are covered under the Utah Volunteer Government Workers Act, Utah Code § 67-20-1 et seq., for purposes of workers’ compensation, liability, and indemnification.

If any provision of this Policy conflicts with applicable federal or state law, regulation, or duly enacted City ordinance, the law or ordinance controls.

If this Policy conflicts with a valid written contract approved by the City through its authorized officials, the contract controls for the covered employee(s).

If any provision of this Policy is found invalid or unenforceable, the remaining provisions remain in full force and effect.

SECTION 2 – EMPLOYMENT PRACTICES

ARTICLE 1 – EQUAL EMPLOYMENT OPPORTUNITY

- A. Richmond City’s goal is to foster a workplace culture that values diversity and provides equal opportunities in all aspects of employment. To help achieve this, all employees are expected to comply with:
1. Title VII of The Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, as amended, and the Utah Antidiscrimination Act, as amended, and not discriminate in employment opportunities or practices on the basis of: race, color, religion, sex, pregnancy, pregnancy-related conditions, childbirth, national origin, age, if the individual is 40 years of age or older, gender identity, or sexual orientation;
 2. The Equal Pay Act and not base pay decision on the basis of race, color, religion, sex, national origin, age, or disability. Richmond City policies provide those employees be compensated on the basis of equal pay for equal work;
 3. The Americans with Disabilities Act of 1990 (ADA), as amended, and the Utah Antidiscrimination Act, as amended, and not discriminate against any individual

with a disability in the admission or access to, employment, work programs, or activities;

4. The Genetic Information Nondiscrimination Act of 2008 (GINA) and not use genetic information of an individual in the hiring process or to affect the terms, conditions, privileges, benefits, or termination of employment unless there is a legitimate job-related need that is consistent with business necessity or as otherwise mandated by law. Richmond City will not require collection or disclosure of genetic information prior to a conditional offer of employment. “Genetic information” is information about genes, gene products or inherited characteristics that may derive from the individual or a family member;
5. The Uniform Services Employment and Reemployment Rights Act and not deny initial employment, reemployment, promotion, or any benefit of employment to a person who is obligated to perform in a uniformed service;
6. Titles VI and VIII of the Civil Rights Act of 1964 and not exclude individuals from participating in, be denied the benefits of, or be otherwise subjected to discrimination on the grounds of race, color, or national origin, under any program or activities for which Richmond City has received any federal financial assistance; and
7. Any other law that provides for non-discrimination or equal opportunity.

ARTICLE 2 – RECRUITMENT

- A. When a position opens in a department or a need arises to create a new position, the Human Resource Director, City Administrator or designee will post all job positions for open recruitment for the employees and general public on the City’s website, and other sites that are deemed appropriate or required by law. Current City employees who meet the minimum job qualifications will be encouraged to apply. Job posting shall include the position title and a description of the duties and responsibilities, required knowledge and skills, outlining minimum qualifications of education and experience for new positions.
- B. The transfer of a full-time employee to a different position normally will not be considered until after one year of continuous employment. Where it is in the best interest of the City, the City Administrator must seek approval from the Mayor for an earlier transfer.

ARTICLE 3 – HIRING

A. APPLICATION

1. The City Administrator shall consult the Mayor regarding staffing needs and shall not advertise any job opening until the Mayor has approved recruitment. All personnel selection decisions shall be made by a selection committee, other than part-time or seasonal positions which may be reviewed by the City Administrator, which shall evaluate applicant responses using a sound decision making method

which weighs the importance of advantages in each of the valuation factors, as decided on and developed by the City Administrator, Department Heads where applicable, and the Human Resource Director.

2. The City Administrator or City Recorder will draft an advertisement for the position. The advertisement shall contain all of the relevant information regarding the job that is reasonably necessary and appropriate to generate a qualified applicant pool. The advertisement shall be published on the City website for at least five (5) days prior to the closing of the time to make applications and or otherwise may be required by law.
3. The qualifications required of applicants will be related to the duties of the specific job and reviewed for compliance with City policies.
4. In order to be considered for employment with the City, an applicant must sign a written application and file the application with the City Treasurer, City Recorder or City Administrator or designee during regular business hours and by the deadline stated in the position advertisement.

B. REVIEW OF APPLICATIONS

1. After the end of the time for submitting applications, City Administrator, Department Head, Mayor or City Council shall review all of the applications which have been received for the position. The City Administrator or Mayor shall eliminate all applicants, who, on the basis of information provided in the applications, do not meet the necessary qualifications and distribute the remaining applications to the Selection Committee.
2. In reviewing the applications, the Selection Committee will consider each applicant individually and will not consider an applicant to be unqualified if the individual is able to perform the essential functions of the job with reasonable accommodation.

C. INTERVIEWS AND REFERENCES

1. The Selection Committee shall rank the applications, using a sound decision making process, and invite selected applicants for interviews. The Selection Committee will conduct interviews under the supervision of the City Administrator or Mayor.
2. The City Administrator, City Recorder, or Department Head will contact references provided by an applicant. Only Mayor, City Administrator or City Recorder or his/her designee will be permitted to perform reference checks.

D. RECOMMENDATION AND HIRING

1. At the conclusion of the interviewing process, the selection committee shall recommend one candidate to the City Administrator and Mayor to fill the

position. The recommendation shall include a recommendation for the salary to be paid to the applicant upon hiring.

2. After receiving the recommendation of the selection committee, the City Administrator and Mayor, together with the Department Head where applicable, may interview the recommended applicant. The City Administrator or Mayor shall have discretion regarding whether an additional interview is necessary.
3. The City Administrator and Mayor shall then concur with the recommendation of the selection committee or reject the recommendation. If the City Administrator or Mayor rejects the recommendation, the selection committee shall recommend a different applicant for the position and the City Administrator and Mayor shall review the new recommendation and may, at his or her discretion, interview the person who has been recommended to fill the position. Department Head positions shall be filled with advice and consent of the Mayor and/or City Council.
4. All offers of employment shall be conditional upon a background check and drug and alcohol testing prior to commencing employment with the City. Applicants must sign and date a release for third party background check. For Public Safety positions the offer of employment may also be conditional upon the results of a medical examination, polygraph testing, job related physical ability testing and psychological testing. All applicants must consent to this testing. See Section 11 for further information regarding drug testing.
5. All offers of employment shall be conditional on the completion of a successful I-9 Form.
6. The City shall bear all costs of any required pre-employment testing.
7. If the initial job offer is not acceptable to the applicant or if the applicant makes a counteroffer of employment by modifying any of the substantive terms of the City's offer, the Mayor must approve of any decision to change the offer. In the case of a Department Head position or City Administrator position, the City Council and/or Mayor must approve any decision to change the offer.
8. Upon accepting an offer for employment, the selected applicant must contact the Human Resource Director or City Administrator and complete all related enrollment forms prior to starting employment, applicants will also receive a copy of this Policy.

E. DISPOSITION OF NON-SELECTED APPLICATIONS AND REJECTION LETTERS TO APPLICANTS

1. When an applicant is not selected, all forms and information relating to the applicant must be returned immediately to the City Administrator or Human Resources Director who will file them according to the State's Retention Schedule.

2. After the job offer has been accepted, the City Administrator, Human Resources Director or City Recorder shall notify the non-selected applicants within a reasonable length of time.

ARTICLE 4 – NEPOTISM

- A. Employees may not participate in decisions affecting the hiring, reassignment, supervision, grievance, or discipline of a relative.
- B. No employee may be placed in a position where they are directly supervised by, or supervise, a relative. If a relative relationship between employees develops during employment, employees have an obligation to immediately report the relationship to the City Administrator, Mayor or City Council. The City retains the right to transfer employees in accordance with this policy.
 1. For purposes of this Policy, “relative” means spouse, parent, child, sibling, grandparent, grandchild, in-law, aunt, uncle, niece, nephew, domestic partner, or any individual residing in the employee’s household.

ARTICLE 5 – INTRODUCTORY PERIOD

- A. The Introductory Period is an integral part of the selection procedure allowing the appointing authority to train, observe, and evaluate an employee’s work in order to determine eligibility for career status in the position.
- B. All original appointments, promotional appointments, re-employment appointments, and reinstatement appointments are subject to a probationary period. The Introductory Period for City employees is between three (3) and six (6) months, or as determined by the City Administrator or Mayor, or may be extended at the discretion of the City Administrator or Mayor.
- C. During the course of the Introductory Period the employee shall have an oral evaluation with their supervisor concerning rate of progress, quality of work, personal attitude and behavior. The evaluation will make known to the employee what he/she must continue or discontinue to do or improve upon in order to attain regular status at the end of the said Introductory Period. No increase in pay will be granted until the conclusion of the Introductory Period.
- D. The employee’s supervisor, Department Head or City Administrator where applicable, shall communicate an evaluation and recommendation to the Mayor for appropriate action at least one (1) week prior to the employee’s eligibility to be placed on career (regular) status. One of the following actions shall be recommended by the supervisor, Department Head or City Administrator:
 1. Based on satisfactory performance by the employee; the employee be given career status and any associated pay raise.

2. Based on unsatisfactory performance but likelihood of improvement, or because of unusual circumstances, the employee's Introductory period be extended for a period not to exceed six (6) months, at which time the employee will be reevaluated; the employee will not receive a pay increase until performance is deemed satisfactory.
 3. Based on unsatisfactory performance; the employee will be dismissed.
 4. Based on unsatisfactory performance; the employee be demoted or returned to a former position.
- E. In all cases the employee shall be notified in writing of the action taken; however, employees, re-employed employees, and reinstated employees cannot appeal any action taken by the appointment authority.

ARTICLE 6 – SEPARATIONS

- A. Resigned Employee. Employees who resign and desire to leave the City in good standing should give a minimum of two (2) weeks' written notice, otherwise they may not be considered for re-employment at a future date. The City reserves the right to place a resigning employee on a paid leave of absence for any portion or all of the notice period.
- B. Abandonment of Position. One unauthorized absence may constitute cause for separation. An employee absent without notice or approval for three (3) consecutive workdays may be deemed to have abandoned their job and will be processed as a voluntary resignation.
- C. Layoff/Reduction in Force. The City may reduce its workforce due to lack of funds, lack of work, or reorganization. In determining which employees to retain, the City will consider qualifications, performance, and operational needs. Seniority may be used as a tiebreaker where employees are otherwise similarly qualified. The City may, where practical, explore alternatives such as transfer, reassignment, or demotion to minimize layoffs.
- D. Rehire and Service Credit. Employees rehired within twelve (12) months of separation will receive credit for prior service (excluding the break in service) for purposes of benefits, leave accrual, and eligibility for reinstatement of previously accrued sick leave. Employees rehired after more than twelve (12) months will be treated as new hires, except where reinstatement of benefits is required by law. Service credit will not be reinstated for the period of the break in service.
- E. The City reserves the right to withhold and/or not provide reference information for past employees at the City's sole discretion, except in situations where such references may be required by statute.

ARTICLE 7 – WORKPLACE ACCOMMODATIONS

- A. The City provides reasonable workplace accommodations in the following circumstances:

1. Religious Accommodation. The City respects the sincerely held religious beliefs and practices of all employees and will make, on request, a reasonable accommodation(s) for such observances when a reasonable accommodation is available and does not create an undue hardship for the City.
 2. Disability Accommodation. The City recognizes some qualified individuals with disabilities (meaning the employee has a mental or physical impairment substantially limiting one or more of the major life activities) may need reasonable accommodation to perform the essential functions of his/her position, to make the workplace readily accessible and usable for the employee, or to otherwise allow the employee to enjoy equal benefits and privileges of employment. The City will make, on request, a reasonable accommodation when doing so does not create an undue hardship to the City.
 3. Pregnancy Accommodation. Richmond City will make, on request, a reasonable accommodation to qualified individuals related to pregnancy, childbirth, or related conditions when a reasonable accommodation is available and does not create an undue hardship for the City.
 4. Breastfeeding Accommodation. Unless compliance would create an undue hardship, Richmond City will, on request, provide for at least one year after the birth of a public employee's child: reasonable breaks for each time the public employee needs to breast feed or express milk; a room or other location, other than a bathroom or toilet stall, that is clean and sanitary, provides privacy shielded from view of and intrusion from coworkers or the public, and that has an outlet; and a reasonable means of storage. The City is not required to permit an employee to have the employee's child at the workplace for purposes of accommodation.
- B. To request an accommodation, employees should contact the Human Resources Director or City Administrator to begin the discussion/interactive process. This may include discussing specific needs, limitations, and possible accommodations that may be needed.
- C. The City reserves the right to require documentation or more information to assist us in evaluating accommodation requests including, but not limited to, verification from religious leaders or medical providers; guidance from job accommodation consultants and advocates; and tools available under the ADA or Family and Medical Leave Act including obtaining 1st, 2nd, and 3rd opinions as permitted by law.

SECTION 3 – DISCIPLINARY ACTION

ARTICLE 1 – CAUSE FOR DISCIPLINARY ACTION

- A. Richmond City strives to resolve performance or conduct issues through progressive discipline, usually beginning with the least severe action appropriate to the circumstances; however, the City reserves the right to impose discipline at any stage, up to and including termination, when warranted by the seriousness of the offense.

- B. All employees, other than those specifically identified by statute, including but not limited to temporary, seasonal, on-call, appointed, or probationary employees, have no expectation of continued employment and may be terminated at any time, with or without cause, and with or without progressive steps. Statutory employees may also be terminated for cause without any specified progressive steps.
- C. Disciplinary measures may include but are not limited to:
 - 1. Verbal warning;
 - 2. Written warning or reprimand;
 - 3. Suspension without pay (not to exceed 80 hours per occurrence);
 - 4. Demotion or reduction in pay;
 - 5. Termination.
- D. The following categories illustrate conduct that may result in discipline, up to and including termination. This list is not exhaustive:
 - 1. Insubordination or refusal to follow lawful instructions;
 - 2. Criminal conduct, including theft, fraud, or acts of violence, whether on or off duty, that adversely affect the City;
 - 3. Misuse, misappropriation, or destruction of City funds, property, or records;
 - 4. Harassment, discrimination, retaliation, or workplace violence;
 - 5. Falsification of records, dishonesty, or failure to cooperate in an investigation;
 - 6. Serious safety violations or reckless conduct endangering self or others;
 - 7. Repeated poor attendance, tardiness, or job abandonment;
 - 8. Continued incompetence or poor performance after prior notice;
- E. For violation of any of the preceding rules and regulations, the employee will be subject to immediate discharge, suspension or other disciplinary action.
- F. If an employee receives two (2) documented warnings for the following offenses (for the same or different offenses) within a period of twelve (12) consecutive months, the employee shall receive disciplinary action based on the severity of the offenses.
 - 1. Excessive absenteeism and/or tardiness.
 - 2. Activities that create a safety hazard.

3. Violating a safety rule or practice.
4. Smoking in posted or unauthorized areas.
5. Inattentiveness to work, failing to start work at the designated time, quitting work early, or leaving employer's premises during working hours without authorization from the supervisor.
6. Vending, soliciting, or collecting contributions on the employer's time or premises without proper authorizations.
7. Driving city owned vehicles without wearing a seat belt.

ARTICLE 2 – DISCIPLINARY PROCEDURE

- A. Before discipline is finalized, the employee will be informed of the concern and provided an opportunity to respond.
- B. Discipline will be documented in writing, delivered to the employee, and placed in the personnel file. The employee's acknowledgment of receipt does not signify agreement but confirms notice.
- C. Certain disciplinary actions involving a property right for statutory employees (such as discharge, suspension over two days, or involuntary demotion with loss of pay) may be appealed through the Administrative Appeal Procedure of this Policy and Utah Code § 10-3-1106.

ARTICLE 3 – GRIEVANCE POLICY

- A. The grievance process provides employees with a formal way to raise concerns about any working conditions, including informal disciplinary actions and discipline not involving a property right.
- B. Grievances do not apply to decisions of the City Council, employee classification and compensation determinations, or matters that are otherwise subject to statutory appeal or another process set forth in this Policy.
- C. Employees are encouraged to resolve concerns informally with their immediate supervisor whenever possible. If an issue cannot be resolved through the chain of command, the employee may proceed to the formal grievance process.
- D. Employees must use this grievance process before taking their complaint to any other forum with the City.
- E. The number of days specified at any step of the grievance procedure may be extended by mutual agreement between the City and the grievant.

ARTICLE 4 – GRIEVANCE PROCEDURE

- A. An employee must file a written grievance with the Human Resource Director, City Administrator, or Mayor within ten (10) calendar days of the issue giving rise to the grievance.
1. The grievance will be heard by the City Administrator, Mayor or designee (collectively referred to in this policy as the “Reviewer”), provided that person is not involved in the grievance and did not take part in prior informal resolution attempts.
 2. Written grievances shall contain the following information:
 - a. Name of the employee;
 - b. Date of the action or decision being grieved;
 - c. Brief description of grievance;
 - d. Requested resolution;
 - e. Employee’s signature and date.
 3. A grievance shall not be considered if it is submitted after the ten (10) day deadline.
- B. Within ten (10) calendar days of receiving the grievance, the Reviewer will meet with the employee to discuss it (“Initial Meeting”).
- C. Within ten (10) calendar days after the Initial Meeting, the Reviewer will issue a written decision and any proposed resolution.
1. If the Reviewer cannot issue a written decision within ten (10) calendar days, they may extend the deadline by up to five (5) additional calendar days but must notify the employee in writing of the extension.
 2. Absent extenuating circumstances, if the Reviewer does not issue a written decision within the required time, the employee may move to the next step in the grievance or appeal process.
- D. If the employee is not satisfied with the Reviewer’s decision, they may file a written appeal to the Mayor within five (5) calendar days.
1. The appeal will not be considered if it is submitted after the five (5) day deadline.
- E. Within ten (10) calendar days of the appeal, the Mayor will issue a written decision. The Mayor may affirm, modify, or reverse the Reviewer’s decision, or remand it back to the Reviewer for further review.

1. If the Mayor cannot issue a written decision within ten (10) calendar days, they may extend the deadline by up to five (5) more calendar days but must notify the employee in writing of the extension.
- F. The decision of the Mayor will be final and is not subject to further appeal.
1. If the Mayor remands the grievance to the Reviewer, the Reviewer's new decision may be appealed to the Mayor within five (5) calendar days.

ARTICLE 5 – ADMINISTRATIVE APPEAL POLICY AND SCOPE

- A. The goal of the appeals process is to afford employees an avenue to seek relief from discipline only in situations involving a protected “property right” under Utah law.
- B. For purposes of this policy, a “property right” exists when a statutory employee is discharged, suspended without pay for more than two (2) days, or involuntarily transferred to a position with less pay, unless the action is due to a layoff or reorganization.
1. A “statutory employee” is an employee with certain job protections under Utah law (Utah Code § 10-3-1105).
- C. Any appeals under this section will be heard by the Hearing Officer.
1. The Hearing Officer will be appointed by the Mayor with the advice and consent of the City Council.
 2. The Hearing Officer shall be a person with experience in law, human resources, mediation or arbitration, or other relevant experience.

ARTICLE 6 – ADMINISTRATIVE APPEAL PROCEDURE

- A. The employee must file a written notice of appeal with the City Recorder within ten (10) calendar days of receiving notice of a decision impacting a property right.
1. Appeals not filed within this period will not be considered.
- B. After the employee files their appeal, the Hearing Officer shall schedule a hearing within a reasonable time. The hearing shall be conducted in a manner that provides the employee with a fair opportunity to be heard, consistent with due process and applicable law.
1. The Hearing Officer may, with consent of both parties, determine the appeal based on written submissions without a formal hearing.
 2. The employee may, but is not required to, appear in person, be represented by counsel, present evidence, respond to the City's evidence, and confront any witnesses whose testimony is to be considered.

3. The Hearing Officer shall determine whether the disciplinary action was supported by substantial evidence and imposed in accordance with applicable policies and procedures.
- C. Following the appeal hearing, the Hearing Officer shall issue a written decision with their findings as follows:
1. The decision shall include written findings describing the evidence relied upon, with each finding supported by substantial evidence.
 2. The decision shall be certified by the City Recorder within fifteen (15) calendar days after the hearing, unless extended for good cause, but in no event longer than sixty (60) calendar days, consistent with Utah Code § 10-3-1106.
 3. The Hearing Officer shall include the following certification language: “This decision is dated, issued, and certified to the City Recorder on this ___ day of __, 20__.”
 4. A record of the appeal hearing shall be preserved by the City in accordance with state records retention laws. Access to the record shall comply with GRAMA (Government Records Access and Management Act). Certain materials may be classified as protected or private under law.
- D. The ruling of the Hearing Officer shall be considered final. The final order may be reviewed by filing a petition for review in the Utah Court of Appeals within thirty (30) calendar days, as provided in Utah Code § 10-3-1106.
- E. If the Hearing Officer finds in favor of the employee, the employee shall receive:
1. The employee’s salary for the period of time during which the employee was discharged or suspended without pay, less any amounts the employee earned from other employment during this period; or
 2. Any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.

ARTICLE 7 – CERTAIN EMPLOYEES DO NOT HAVE LOUDERMILL HEARING OR APPEAL RIGHTS

As stated in Utah Code Section 10-3-1105, the Loudermill Hearing and Appeal Process do not apply to certain employees, inasmuch as such employees can be terminated at any time without cause. Nothing stated in this Policy, and particularly nothing in the Grievances and Appeals Section, shall be interpreted as granting Loudermill Hearing or Appeal Rights to such employees.

SECTION 4 – EMPLOYEE BENEFITS

ARTICLE 1 – DEFINITIONS

Full-Time Employee: An employee of the City who shall work a minimum of forty (40) hours per week, twelve (12) months per year. Full-Time status can only be granted by approval of the Mayor.

Benefited Part-time Employee: An employee of the City who shall work a minimum of thirty (30) hours per week twelve (12) months per year. Benefited Part-Time status can only be granted by approval of the Mayor. **Part-time Employee:** An employee of the City who by definition is not a permanent full-time employee or a permanent part-time employee. **Seasonal employee:** means full-time employment by the City for a period between three (3) to twelve (12) months if the average hours worked during the employment period do not exceed twenty-nine (29) hours per week. Seasonal employees may be hired by Department Heads, where applicable, or the City Administrator without following all of the procedures described in Section 2, provided that the creation of the seasonal position has been approved by the Mayor. Applicants for seasonal employment must meet the minimum qualifications of the position for which they are employed. Seasonal employees are eligible for benefits as required by federal or state law. **Emergency employment:** (other than Declaration of Emergency) means employment during an emergency, which will not typically continue past the duration of the emergency. The purpose of emergency employment shall be to prevent undue delay or serious interference with the provision of vital City services during the emergency. In an emergency, Department Heads where applicable, the City Administrator or Mayor may hire emergency employees for a period not to exceed thirty (30) calendar days. Such employees may be hired using the most expedient methods that are practicable and reasonable. The City Administrator or Mayor must also approve the hourly rate of pay for all emergency employees prior to the hiring of the emergency employee. No emergency employee will remain employed with the City past the duration of the emergency, unless the emergency employee completes the hiring process as described in Section 2, and the retention of the emergency employee is approved by the Mayor. **Exempt Employee:** An employee as defined by the Fair Labor Standards Act. For purposes of Richmond City, this may include but not be limited to the: City Administrator. **Nonexempt Employee:** An employee as defined by the Fair Labor Standards Act. For purposes of Richmond City, this shall include all employees other than those designated as “Exempt”. **Department Head:** A Department Head shall be that person responsible for the activities of a specified department or group of employees of the city. Department Heads may include but not be limited to the Public Works Director and Library Director.

ARTICLE 2 – PERSONAL TIME OFF (PTO)

- A. Personal Time Off (PTO) is to provide employees with flexible paid time off from work. Such time can be taken for such things as vacation, illness, injury, personal business, medical appointments, volunteer activities and other activities of one’s choice. Employees in the following employment classifications are eligible to earn and use PTO:

*Full-time employees

*Benefited part-time employees

The goal is to reduce unscheduled absences and to provide flexibility to employees in controlling their allowable paid time off.

B. Transition/Accrual:

1. PTO time accrues on a monthly basis. Upon completion of the first full year of employment the amount of PTO time received each year increases with the length of employment as shown in the following schedule:

a. 0 years to 2 years	8 hours for each month worked
b. 3 years to 5 years	10 hours for each month worked
c. 6 years to 8 years	11 hours for each month worked
d. 9 years to 11 years	13 hours for each month worked
e. 12 years to 14 years	15 hours for each month worked
f. 15+ years	17 hours for each month worked

2. New employees shall begin to accrue PTO beginning from the first day of the following month after being hired.
 3. Each benefited part-time employee, working thirty (30) hours or less per week, shall accrue PTO at a rate equal to one-half (50%) that granted to full-time employees.
 4. Persons hired on an emergency, part-time, seasonal, temporary or contract basis shall not accrue PTO.
 5. The maximum PTO which can be accrued and carried forward per calendar year for eligible employees is 320 Hours. Any PTO in excess of 320 hours shall be forfeited on January 1st of each year.
- C. A holiday approved under Article 4 of this Policy which falls during an employee's scheduled PTO shall be counted as a paid holiday and not as PTO.
- D. An employee who is separated or retires from employment shall be compensated for all PTO which he/she has accrued.
- E. All PTO requests should be submitted at least three (3) days in advance of the desired time off to their supervisor, Department Head, or City Administrator. If an excessive (being the number of requests if granted that would render the department or organization ineffective) amount of employees request PTO for the same time period it shall be granted in order of application, first-come-first-served or at the discretion of the supervisor, Department Head, or City Administrator.

F. PTO taken during a workweek will not be regarded as time worked for purposes of calculating overtime.

G. Guidelines for PTO Use:

1. Accrual of PTO will be monthly, in hourly increments, based on the length of service as defined above.
2. PTO can be taken in hourly increments and will be reduced from your PTO account by pay period.
3. Eligibility to accrue PTO is contingent upon the employee either working, utilizing accrued PTO, or other paid leave allowance for the entire month. PTO is NOT earned during periods of unpaid leave, short- or long-term disability or worker's compensation leave other than those leaves required by law.
4. PTO can be used in lieu of or to bridge the pay differential between other forms of time off with and without pay which falls short of the employee's current normal salary compensation. Such forms of time off would include short- and long-term disability payments, worker's compensation, military service, and FMLA. The combination of any such payments with PTO may not exceed the employee's normal wage earnings.
5. PTO may be donated to another employee; Employees wishing to receive donated hours for an illness or emergency must make a request to the Human Resource Representative and must be approved by the City Administrator. Employees cannot solicit donations on their own. All donations will be on a voluntary basis. Employees seeking PTO donations must first exhaust all their acquired time before making the request.
6. It is against Richmond City policy to utilize more PTO than accrued. No employee can go into the negative with PTO.

H. Exceptions to PTO:

1. Employees must seek prior approval to use PTO in accordance with Paragraph "E" above. Exceptions may be granted in cases of an emergency or sudden illness. Employees who do not make arrangements with their supervisor, Department Head, or City Administrator will not be granted paid time off. Employees who take time off without prior approval will be subject to disciplinary action up to and including termination.
2. If an employee becomes sick or is confronted with an emergency during the workday, the employee must notify their supervisor, Department Head, or City Administrator before leaving the work site. Failure to notify one's Department Head or supervisor, as stated herein, may result in disciplinary action, up to and including termination.

3. Any employee who misses two (2) days of work without notice to their supervisor, Department Head, or City Administrator will be considered to have abandoned his/her job/voluntarily quit.
4. PTO must first be used before unpaid leave is granted.

ARTICLE 3 – HOLIDAYS

The following named days are defined as legal holidays upon which all offices of the City shall be closed, except as otherwise provided by law, as noted below.

New Year’s Day	January 1st
Martin Luther King Day	3rd Monday of January
President’s Day	3rd Monday of February
Memorial Day	Last Monday of May
Juneteenth	June 19th or when recognized year to year
Independence Day	July 4th
Pioneer Day	July 24th
Labor Day	1st Monday of September
Columbus Day	2nd Monday of October
Veteran’s Day	November 11th
Thanksgiving	4th Thursday of November and the Friday following Thanksgiving
Christmas Eve (1/2 Day)	December 24th
Christmas Day	December 25th

- A. For purposes of maintaining an expected or necessary level of public service, a supervisor, Department Head, City Administrator or Mayor may vary the date traditionally observed for holidays by those employees under his/her supervision.
- B. Holiday pay will be paid according to employees assigned shift. Example, if an employee is assigned to work eight (8) hours a day, they will be paid for eight (8) hours of holiday pay.
- C. If any of the above holidays fall on a Sunday, the following Monday will be observed as a holiday. If any of the above holidays fall on a Saturday, the preceding Friday will be observed as a holiday.
- D. Compensation for holidays will be granted commensurate with employment.
- E. A holiday occurring during any period in which personal time off is granted will be computed as a paid holiday and not as PTO.

- F. Holiday compensation will be regarded as time worked for purposes of determining hours worked during a workweek.

ARTICLE 4 – FAMILY AND MEDICAL LEAVE

General Provisions

In accordance with the Family and Medical Leave Act (“FMLA”), Richmond City will grant job-protected unpaid family and medical leave to eligible employees for up to twelve (12) weeks per 12-month period for any one or more of the following reasons:

1. Subject to Article 12, in order to care for a child following the child’s birth, adoption, or placement in foster care with the employee;
 - a. Leave must be taken within the 12-month period following the child’s birth or placement with the employee;
 - b. If married spouses both work for the City, their total leave in any 12-month period may be limited to an aggregate of twelve (12) weeks if the leave is taken for the birth, adoption, or placement of a child.
2. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition;
3. The employee’s own serious health condition that makes the employee unable to perform the functions of his/her position.

Service Member Family Leave

1. Eligible employees who are the spouse, child, parent, or next of kin of a covered Service Member are entitled to up to fourteen (14) weeks of additional leave during a single 12-Month Service Member Period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered Service Member who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Service Member Period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Service Member Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total Service Member Family Leave may be limited to an aggregate of 26 weeks.

Definitions

1. **“12-Month Period”** means a rolling 12-month period measured backward from the date leave is taken. Each time an employee requests leave, the City will compute the amount of FMLA leave the employee has taken in the last 12 months and subtract it from the 12 weeks of available FMLA leave. The balance remaining will be the amount the employee is entitled to take at that time. Note that this amount may change with each request for FMLA leave as periods of leave drop from the 12-month look back period resulting in

leave coming available to the employee. When an employee's work schedule varies from week to week, a weekly average of the hours worked over the 12 weeks prior to the beginning of the FMLA leave period is used to calculate the amount of FMLA leave available to the employee.

2. **"12-Month Service Member Period"** means a single 12-month period measured forward from the first day Service Member Family Leave is taken.
3. **"Child"** means a child either under eighteen (18) years of age, or older than eighteen (18) who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted, foster or step-child. For purposes of a son or daughter on covered active duty or call to covered active duty, or for Service Member Family Leave, the child may be of any age.
4. **"Parent"** means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
5. **"Next of Kin"** means the nearest blood relative of a Covered Service Member.
6. **"Covered Active Duty"** means 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.
7. **"Veteran"** means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.
8. **"Serious Injury or Illness"** means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.
9. **"Qualifying Exigency"** includes: 1) notification of a call to covered active duty seven or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to five days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and, 6) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.
10. **"Serious Health Condition"** means an illness, injury, impairment, or a physical or mental condition that involves 1) inpatient care (overnight stay); 2) incapacity requiring absence from work for more than three calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; 3) continuing

treatment by a health care provider for a chronic or long- term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or 4) prenatal care by a health care provider.

Coverage and Eligibility

1. To be eligible for family/medical leave an employee must have worked for Richmond City for at least 12 months total and have worked at least 1,250 hours over the previous 12-month period.

Intermittent or Reduced Leave

1. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the City.

Use of Paid Leave

1. An employee will be required to use accrued paid leave (including paid PTO, compensatory time, and workers' compensation) for any part of a family/medical leave beginning with the first date of FMLA leave. When an employee has used all of his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Service Member Family Leave time). If an employee is unable to return to work after 12 or 26 weeks but still has leave time available it will be determined by the supervisor, Department Head where applicable, and City Administrator if that employee can continue to use his/her leave time, and if leave beyond 12 or 26 weeks creates hardship on the city and the department to hold the position.

Employee Notice Retirement

1. An employee must give thirty (30) days' notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the City Administrator. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.
2. If an employee fails to give thirty (30) days' notice of foreseeable leave with no reasonable excuse, leave may be denied until thirty (30) days after the employee provides notice.
3. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.

4. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

Employer Notice Requirements

1. Notice of Eligibility Rights: Within five (5) days after the employee requests leave or after the City learns the leave may be for an FMLA-qualifying reason, the City will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.
2. Notice of Designation of Leave: Within five (5) days after the employee requests or the City learns of the need for FMLA leave, the City will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the City will update the notification every thirty (30) days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the City will provide written notice of and reason for denial.

Medical and Military Certification

1. Certification of Serious Health Condition: For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "Physician or Practitioner Certification" form and return the certification to the City Administrator. Medical certification must be provided by the employee within fifteen (15) days after requested. If the employee fails to provide adequate certification within this time period, then the City will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. The City may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.
2. City May Require Second Opinion: The City may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.
3. Certification Related to Covered Active Duty or Call to Covered Active Duty: The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.
4. Certification for Extended Service Member Family Leave: Employees requesting extended Service Member Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.

5. Confidentiality of Medical Records: Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

Effect on Benefits

1. An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan with the same conditions as if the employee had been continuously employed during the leave period, provided that premiums are paid and other conditions met for employee benefits.
2. Retirement, life, and other benefits may be continued based on insurance provider's approval. Generally, continuation of these benefits is contingent upon whether the FMLA leave is paid or unpaid and what sources are paying the employees' wages. Benefit continuation is subject to change based on individual insurance provider's provisions. Employer contributions to the 401K plan will be adjusted and based on wages paid by Richmond City (i.e. does not include unpaid, or workers compensation wages).
3. While on paid FMLA leave, Richmond City will continue to make payroll deductions to collect any portion of the employee's share of the premiums.
4. While on unpaid FMLA leave, the employee must continue to pay any portion of the employee's share of the health premiums (and any other benefits the employee desires to continue) and may do so in person or by mail. The payment will be due by the 15th day of each month. The employee will be deemed delinquent if the payment is more than 30 days late and alternative payment arrangements have not been made with Richmond City. Failure to make timely premium payments may result in cancellation of benefits. Richmond City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work, including seeking recovery through civil court. Richmond City may also seek retroactive termination of insurance coverage with the insurance provider. Richmond City may recover from an employee both the employee's and/or employer's share of any premiums paid during a period of unpaid FMLA leave if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to: 1) the continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered service member, which would otherwise entitle the employee to leave under FMLA; or 2) other circumstances beyond the employee's control.
5. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose benefits already accrued prior to the start of the leave. Paid time off does not accrue while on unpaid leave.
6. If leave is extended beyond the twelve (12) or twenty-six (26) weeks the employee will be responsible for 100% of all cost of health and dental benefits.

Job Protection

1. If the employee returns to work within twelve (12) weeks following family/medical leave (or 26 weeks if combined with Service Member Family Leave), the employee will be reinstated to the employee's former position or an equivalent position in terms of pay, benefits, status, and authority.
2. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave.
3. If the employee fails to return to work by the previously agreed upon date, in absence of further communication, the employee will be considered to have abandoned the job.

Unlawful Actions and Enforcement of FMLA Rights

1. It is unlawful for Richmond City to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating the employee's rights under the FMLA.

ARTICLE 5 – MILITARY LEAVE

- A. Military Leave may be granted for a period of active service. Extended Military Leave is defined as a leave of six (6) months or more, and Short-Term Military Leave is any leave of less than six (6) months in duration.
- B. Short term Military Leave is authorized for Full-Time City employees pursuant to the following conditions:
 1. Full-Time employees are entitled to ten (10) working days' military leave per year without loss of compensation or other fringe benefits. Any employee requesting such leave must provide the Human Resources Director or City Administrator with a copy of the military orders placing the employee on active-duty status.
 2. Employees who are members of reserve units of the military shall notify their immediate supervisor at least four (4) weeks in advance and shall indicate in writing their intentions and anticipations with regard to participating in periods of active duty. Such written notification shall be made a part of the individual employee's personnel file.
- C. Extended Military Leave without pay will be granted to regular full-time or regular part-time employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States in accordance with the provisions of the Universal Military Training and service Act. Former employees shall be permitted to return to City employment pursuant to the following conditions:

1. The leave of absence may not exceed five (5) years from the date of entry into the military service (unless the employee is involuntarily retained longer).
2. The employee must have satisfactorily completed the period of active duty and furnish a certificate to that effect.
3. Any employee leaving active military duty is authorized forty (40) days from the active-duty release date in which to request reinstatement of a position of comparable status and compensation. If the employee declines two (2) consecutive offers from position vacancies, reinstatement rights may be canceled by the Council.
4. If due to a service-connected disability or for some other reason, an employee is not qualified to perform all the duties of his former position, he will be placed in the closest comparable position for which he is qualified.

ARTICLE 6 – JURY DUTY

- A. Full-time employees will be granted administrative leave with full pay up to two (2) weeks when performing jury duty or when required to serve as a witness in litigation or administrative proceedings based on the employee’s official duties performed on behalf of the City.
- B. In order to qualify for pay from the City under this section, the employee must surrender any compensation to the City, excluding travel and expense allowance, which the employee received as a result of jury duty or appearance as witness.
- C. Paid administrative leave will be granted, but only unpaid leave will be granted when the employee is participating as a witness in litigation or administrative proceedings not related to his/her official duties with the City.

ARTICLE 7 – BEREAVEMENT PAY

- A. Leave-with-pay shall be granted to employees to attend funeral services for a member of his/her immediate family. The amount of time granted shall be one (1) day; however, supervisors, Department Heads, City Administrator or the Mayor may grant up to three (3) days leave per occurrence. If longer than three (3) days, additional time must be approved by the Mayor. Employees will be required to submit a funeral program for leave to be granted.
- B. Definition of immediate family includes spouses, children (including miscarriage or stillbirth), parents, siblings, grandparents, grandchildren, or the same relation by marriage or legal guardianship.

ARTICLE 8 – LEAVE WITHOUT PAY

- A. Under special circumstances, such as in times of low work volume, an employee may request a leave of absence without pay. The employee’s request should be stated in writing and approved by the City Administrator or Mayor.
- B. Individual requests should be considered in view of the overall effect the absence will have on the operation and not interfere with the on-going work or manpower needs. Requests should be submitted five (5) working days prior to the beginning date of leave of absence.
- C. Employees who are granted a leave-without-pay status are subject to recall in cases of emergency or unforeseen manpower shortages.
- D. No personal time off (PTO) benefits will accrue during periods of leave-without-pay status.
- E. Health insurance will continue during the leave-without-pay for a period up to thirty (30) days, but after thirty (30) days the health insurance will be terminated. While on unpaid leave the employee will be responsible for the cost of health insurance with the same conditions as if the employee had been continuously employed.

ARTICLE 9 – ADMINISTRATIVE LEAVE

- A. Employees or officials on special leave for official City business, special education or training, upon authorization, shall receive regular pay during the period of such leave. Such business, special education or training must be of direct benefit to the City and approved by the supervisor, Department Head where applicable, City Administrator and Mayor.

ARTICLE 10 – MEDICAL INSURANCE

- A. The City participates in group medical, dental, short-term disability, long-term disability and life insurance programs. These programs are available to all full-time employees. The medical insurance benefit is not available to city council members and the mayor.
- B. The City contributes 100% of the total premium cost of short-term disability, long-term disability and life insurance premiums for the employee up to a limit set by the city staff on a yearly basis. Employees are allowed to purchase additional coverage at their own expense; any such additional coverage will be deducted from the employee’s paycheck.
- C. If an employee elects to enroll in the medical insurance plan offered by the city. The amount paid by the employee for single-party, two-party or family coverage will be determined on a yearly basis during the enrollment period. Any amount owed by the employee will be deducted from their paycheck on a bi-weekly basis.
- D. For dental insurance coverage, the city will contribute 100% to the overall cost for single coverage. If the employee chooses to enroll any eligible additional family members the

City will contribute 80% to the coverage. The remaining 20% will be paid by the employee and will be deducted from the employee's paycheck. No benefit is offered in this section for city council members or the mayor.

- E. When an employee takes an approved leave of absence that extends beyond the approved time for family medical and/or thirty (30) days for an unpaid leave, all insurance coverage terminates at the end of the approved period following the last insurance payroll deduction. Coverage may continue under the Consolidated Omnibus Budget Reconciliation Act (COBRA) guidelines during such approved leave if an employee pays the entire insurance premium including the city's regular contribution during the leave, plus a two (2) percent administration fee, during the period of family medical leave or unpaid leave, an employee will be retained on Richmond City's health and dental plan under the same conditions that applied before leave. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage. If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse Richmond City for payment of health insurance premiums during the family or unpaid leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his/her job.

ARTICLE 11 – MATERNITY LEAVE

Richmond City is firmly committed to protecting the rights of expectant mothers and complying with Title VII of the 1964 Civil Rights Act as amended by the Pregnancy Discrimination Act of 1978. Richmond City policy is to treat women affected by pregnancy, childbirth, or related medical conditions in the same manner as other employees unable to work because of their temporary physical condition in all employment aspects, including recruitment, hiring, training, promotion and benefits.

Further, Richmond City fully recognizes eligible employees' rights and responsibilities under the Family and Medical Leave Act, applicable state and local family leave laws, and the Americans with Disabilities Act. Paid leave may be substituted for unpaid maternity leave in accordance with Richmond City paid-leave substitution provisions of Richmond City FMLA policy.

Pregnant employees may continue to work until they are certified as unable to work by their physician. At that point, pregnant employees are entitled to seek benefits according to Richmond City's short-term disability insurance plan.

When the employee returns to work, she is entitled to return to the same or equivalent job with no loss of service or other rights or privileges. Should the employee not return to work when released by her physician, she will be considered to have voluntarily terminated her employment with Richmond City.

SECTION 5 – EMPLOYEE CONDUCT

ARTICLE 1 – ETHICS

- A. City employees shall comply with the Utah Public Officers’ and Employees’ Ethics Act, Title 67, Chapter 16 of the Utah Code, as amended, and the Utah Municipal Officers’ and Employees’ Ethics Act, Title 10, Chapter 3, Part 13 of the Utah Code, as amended, to avoid actual or potential conflicts of interest between their public duties and their private interests.

ARTICLE 2 – CONFLICT OF INTEREST

- A. City employees who are involved with or have access to information of significant public interest may not use this information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any City plan or activity, this situation must be reported to the employee’s supervisor immediately. Each employee is charged with the responsibility of ensuring that only information that should be made available to the general public is released. Violation of these provisions regarding information or use for private gain shall be cause for disciplinary action.

ARTICLE 3 – POLITICAL ACTIVITY

- A. City employees may voluntarily participate in political activity on their own time, subject to the following:
 - 1. An employee’s partisan political activity, political opinion, or political affiliation may not be considered in hiring, promotion, discipline, demotion, dismissal, or any other employment decision.
 - 2. An employee may not use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
 - 3. An employee may not directly or indirectly coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.
 - 4. An employee may not use City work time, equipment or property to campaign for political office or otherwise engage in political activity.
- B. A City employee shall not hold an elected or appointed Richmond City public office (Mayor, City Council, or Planning Commission Member) and remain in the active employ of the City. A City employee who assumes a Richmond City elected public office by public election or by appointment to an unexpired term, shall be deemed to have taken an unpaid leave of absence (with the option to use PTO) from the City’s employ upon taking the oath of office or otherwise first exercising the official duties of that public office. Utah Code § 10-3-1108.

ARTICLE 4 – USE OF CITY EMAIL, INTERNET, PHONE AND COMPUTERS

The City prohibits inappropriate use of email, voicemail, internet, phone and computer systems. This prohibition includes, but is not limited to: harassment and intimidation of individuals on the basis of race, sex, pregnancy, pregnancy-related condition, sexual orientation, religion, ethnicity, creed, national origin, age, or disability; any pornographic or sexually explicit material, pictures or images; profanity, obscenity, and sexually explicit language; threats of violence; allowing use to interfere with normal work duties; composing, reading, or sending of text messages while operating a City vehicle; and any violation of local, state, or federal laws.

Electronic Communications System Policy

1. **General Communications Policy.** Richmond City electronic resources are to be used to conduct City business. Subject to your supervisor’s discretion and provided there is prior approval, occasional, limited and appropriate personal use of the City’s Electronic Communications System (“ECS”) is permitted when the use does not (1) interfere with the User’s work performance; (2) interfere with any other User’s work performance; (3) have an adverse impact on the operation of the network resources, i.e. download music, video clips, or any personal programs or files, etc.; or (4) violate any other provision of this policy or any other policy, guideline or standard of Richmond City. The following standards apply at all times, whether during or after work hours.
 - a. Electronic communications must be conducted in a professional and courteous manner. Users should exercise good judgment when creating, distributing or forwarding messages electronically. Messages must not contain content or information that may reasonably be considered offensive or disparaging. Offensive content includes any intimidating, hostile, threatening or offensive material on the basis of race, sex, sexual orientation, religion, ethnicity, creed, ancestry, national origin, age or disability; or any other protected group under federal or state law.
 - b. All other City policies apply to all City-provided ECS. Such policies include, among others, policies against illegal discrimination and harassment, and policies regarding document retention, copyright infringement, City business conduct, sexual harassment and software licensing.
 - c. Users should not communicate anything over ECS that would result in negative or inaccurate perceptions of the City, or its employees. Users should be aware that communications created or sent by Email, text or the internet potentially may be used and are discoverable in litigation. As a result, Users should use the same standards and precautions in creating electronic messages as would be utilized for other City correspondence or memoranda.
2. **Email and Texts.** Richmond City’s email systems, including the equipment and the data stored in the systems (included but not limited to computers and cell phones), are the property of the City. As such, any messages created, sent, received or stored in the

systems or phones are the property of the City and employees should have no expectation of privacy regarding use of such devices. The following standards apply at all times:

- a. **The City reserves the right to monitor, access, retrieve, read and disclose all information and material — whether business related or personal — that is created, sent, received, accessed or stored on its electronic resources, including emails and texts.**
 - b. **The City may access such information and material at any time without any notice to the User.** Users, through the internet, or other computer networks, cell phones or other ECS, expressly waive any right of privacy in anything they create, store, send or receive on any/all City issued ECS or workstation equipment and systems (including but not limited to desktop computers, laptops, terminals, cell phones, etc.).
 - c. Users should be aware that the content of any message may not remain private.
 - d. With the exception of the City’s right to retrieve, review and disclose messages as described above, all messages created, sent, received or stored are considered to be confidential and as such are to be read only by the recipient or at the direction of the addressed recipient.
 - e. No use of ECS for personal business.
3. **Internet.** Users using ECS with internet access are representing the City; therefore, Users are expected to conduct all business on the internet in a professional, courteous manner. The City ECS provides access to computers containing millions of pages of information and many diverse points of view. While the City filters access to unwanted sites by categories, users of the internet may still encounter material that is inappropriate, offensive and often illegal. Users are responsible for the material accessed, reviewed and downloaded from the internet. The following standards apply at all times.
- a. Internet access provided by the City is for business purposes only.
 - b. The internet is not secure. Any information sent or received has the potential to be intercepted or seen by others. Users should not send, discuss or otherwise disseminate City proprietary data, or confidential information over the internet without approved forms of encryption.
 - c. Setting up a City email account for automatic forwarding of email from a City Email system to a private/personal email address is prohibited.
 - d. To protect the integrity of City systems, these policies are in effect:
 - i. Any file or document to be downloaded must be for the City and must be scanned for viruses. All inbound and outbound messages by internet email that contain attachments must be virus scanned.

- ii. Users should not download software or executable programs from the internet. No modem, network or PC configuration may be modified by the User. (Only designated IT personnel are authorized to do any of the foregoing.)
 - e. The following are prohibited uses of the internet:
 - i. Copying, downloading, printing or otherwise disseminating copyrighted materials (including articles and software) in violation of copyright laws.
 - ii. Viewing, copying, downloading or otherwise accessing on the internet any material for entertainment purposes or sexually-oriented material, including but not limited to download or send pornography, sexually explicit materials or materials with obscenity or sexual content,
 - iii. Operating a business, usurping business opportunities, searching for jobs outside the City; solicitation for money, “causes” or organizations; promoting events; and other activities not directly related to the City’s business,
 - iv. Sending or forwarding chain letters, jokes, gambling or engaging in any activity in violation of local, state or federal law.
- 4. **Cell Phones and Hand-Held Devices (wireless).** Users should recognize that cell phones and hand-held devices are not secure. In addition, the following applies to all employees with cell phones provided totally or partially by the City:
 - a. Richmond City will provide a basic phone and service to qualified employees as determined by the Mayor, if an employee chooses to upgrade his/her phone at his/her own expense the City still maintains ownership of the phone and phone number during employment, and of the data on the phone both during and after employment, which includes and is not limited to text messages, emails and pictures associated with the phone while the employee is employed with Richmond City. All information is considered public and subject to review by the City.
 - i. No email, text, picture, app or any information related to the City is to be deleted from the phone.
 - ii. Personal use during regular work hours should be kept to a minimum.
 - iii. If employment is terminated with the City, the City has the right to keep or allow the employee to move the number to a personal account within thirty (30) days of the last day of employment.
 - iv. The City will require all data in the form of text, email, apps, pictures, etc. to be downloaded prior to the phone being released to a private account.

- v. If information from a phone is needed and a passcode has been included on the phone, it is mandatory the employee provide the passcode to the City Administrator, Department Head, Mayor or supervisor making the request.
 - vi. Once compliance is complete with (a)-(e) above after termination of employment the phone (if upgraded and paid for by the Employee) may be given to the Employee.
- b. Drivers are prohibited from composing, reading or sending text messages while driving. Texting is defined as manually entering text into or reading text from an electronic device. This includes but is not limited to: emailing; instant messaging; short messaging; a command or request to access a web page; and engaging in any other form of electronic text retrieval or electronic text entry for present or future communication.
5. **Security.** Security of electronic systems is a high priority. Each User is required to have a unique account (user-id) and use a password to access City ECS. Each User will be held responsible for the actions taken by his or her assigned user-id(s) on an ECS. Passwords are confidential and are not to be shared with others and must be changed every ninety (90) days. The reliability of passwords for the purpose of maintaining confidentiality cannot be guaranteed. Users should assume that any message could be accessed and read by persons other than those for whom the message was intended. Users should, therefore, exercise good judgment in creating and distributing messages.
6. **Reporting of Violations.** Disciplinary Action. Users learning of any misuse of ECS or violations of this policy must notify the City Administrator, Department Head where applicable, or supervisor immediately.
7. **Telephone Usage.** The City's telephones are for City business; however, occasional brief personal calls are acceptable. Please ask friends and relatives not to call during work hours on either the City's line or your personal cell phone. Personal cell phone usage should be handled during regularly scheduled break times except for urgent matters. Excessive personal phone calls will not be tolerated.
8. **Violation of Policy.** Employees or others violating this policy may be subject to disciplinary action up to and including termination of employment.

ARTICLE 5 – EMAIL RETENTION AND DELETION

The purpose of the email retention policy is to ensure that email and electronic documents are maintained in accordance with the Utah Government Records Access and Management Act (GRAMA). Employees are reminded that electronic documents and email created or received on City-owned computers or sent over City-run networks are the property of the City. Employees should have no expectation of email privacy and should limit any personal use of email.

Email and other electronic documents that must be saved and retained according to GRAMA guidelines.

Email Retention and Deletion Policy. To ensure that important information is not lost because of improper deletion or management of email correspondence, city employees are directed to adhere to the following email use guidelines. Broadly speaking, emails fall into three main categories: 1) those that may be deleted; 2) those that must be saved for future reference or public/media access; and 3) confidential information.

1. Email that must be saved. Program, policy, or decision-making correspondence. Business related messages that provide substantive information about City functions, policies, procedures, or programs must be saved. These emails document the discussions and decisions made regarding City interests.
2. Confidential information. Generally speaking, confidential information should not be transmitted electronically.
3. Email that may be deleted. All email not falling into the above categories may be deleted when the user's need for the email has expired, unless otherwise subject to retention such as for litigation purposes.
4. Attachment policy. You are required to keep a copy of any attachments you send (e.g., Word, PDF, JPG, or Pelorus files) if they fall under the category of 'Email that must be saved'.
5. Responsibility of the sender. Primary responsibility for retention of important email rests with the sender.

ARTICLE 6 – ELECTRONIC DOCUMENTS

- A. All electronic documents produced by City employees are the property of the City and must not be deleted. All documents created in the course of City business that fall under the category of program, policy, or decision-making, should be retained according to GRAMA guidelines.

ARTICLE 7 – PUBLIC RELATIONS

- A. The measure of City government is, to some extent, based on the effectiveness and personal contact of its employees with the general public. It is expected that all employees will avoid conduct at work or elsewhere that might cause embarrassment to, or criticism of, the City. Often times, the City employee is the only contact a private resident has with our municipal government and, although the resident may not always be right, the resident does have an active interest in the City and its government; therefore, it is essential that the attitudes and actions of the employees of the City, both on and off duty, bring credit to the City. Good public relations can best be created by the simple process of being helpful, courteous and treating people in the same manner you would like to be treated. It is also important to the public relations of the City that each

municipal employee be neat, clean, impressive in appearance and respectable in his/her use of language.

ARTICLE 8 – DRESS AND HYGIENE STANDARDS

In order to maintain a professional atmosphere and appearance, all City employees are expected to follow the minimum dress and hygiene standards as listed below. Standards of dress shall be appropriate to the job and the tasks to be accomplished.

1. Hygiene:
 - a. Employees must maintain a high standard of personal hygiene.
 - b. Employees must appear neat and clean and have no offensive odors.
 - c. Hairstyles and facial hair must be neat and professional in appearance. Hairstyles, hair color, beards, mustaches, and sideburns should present a neat and professional style.
 - d. Tattoos that are distracting or contain offensive words, messages, slogans, or pictures, including but not limited to those displaying nudity, sexual acts, and/or may be perceived to be gang-related shall be covered and/or not visible while on duty.
2. Acceptable Attire:
 - a. Employees must wear clothing appropriate to their employment. Appropriateness may vary, depending upon the nature of work performed, safety concerns, and the degree of public contact.
 - b. Employees must wear clothing that is clean, neat, and not torn or frayed.
 - c. Employees must avoid clothing that is revealing, immodest, or otherwise inappropriate for a professional office setting or other work environments.
3. Corrective Action:
 - a. Improperly groomed or dressed employees will be subject to corrective action. This may include verbal instructions from their supervisor or Department Head regarding appropriate appearance, and/or employees being sent home to comply with established standards. Employees will not be paid for missed work under these circumstances, but may be allowed to use PTO, if applicable. Repeated offenders may be subject to possible termination.

ARTICLE 9 – OUTSIDE EMPLOYMENT

- A. Employees must disclose any outside employment to the City Administrator or Mayor. Approved outside employment may continue unless it interferes with City duties or creates a conflict of interest.
- B. The City may, in its sole discretion, deny or revoke outside employment if it conflicts with law or this policy. Notice of denial or revocation will be provided in writing.

ARTICLE 10 – NON-FRATERNIZATION

This policy provides guidelines and definitions to follow regarding relationships in the workplace. Employees should avoid situations where a conflict of interest may arise or where workplace relationships may result in claims of favoritism or harassment.

Policy:

Dating, request for dates, and/or personal relationships between management and persons within their scope of influence are prohibited.

Definitions:

Management is defined as all exempt and non-exempt positions to include: Director, Manager, Supervisor, Lead, Trainer, etc.

Scope of Influence includes the ability to affect salary, promotional status, performance appraisal content, work assignment, etc. If you are unsure if you fall within the scope of influence of another person, contact the City Administrator or Mayor.

If a conflict of interest or a dating relationship between a superior and a subordinate (as defined above) is established after employment begins, it is the responsibility of the supervisor involved to disclose the existence of the relationship to management. Richmond City reserves the right to take appropriate action to eliminate the conflict. Such action could include a transfer to a different department, a different shift, in the extreme, termination of the supervisor in the relationship.

ARTICLE 11 – SOCIAL MEDIA POLICY

At Richmond City, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world; however, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees who work for or contract with Richmond City.

Managers and supervisors should use the supplemental Social Media Management Guidelines for additional guidance in administering the policy.

Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with Richmond City, as well as any other form of electronic communication.

The same principles and guidelines found in Richmond City policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of Richmond City or legitimate business interests may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines, the Richmond City Statement of Ethics Policy, the Richmond City Information Policy and the Discrimination & Harassment Prevention Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful

Always be fair and courteous to fellow employees, customers, members, suppliers or people who work on behalf of Richmond City. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy. Be honest and accurate.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Richmond City, fellow employees, members, customers, suppliers, and people working on behalf of Richmond City.

Post only appropriate and respectful content

Maintain the confidentiality of Richmond City trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.

Do not create a link from your blog, website, or other social networking site to a Richmond City website without identifying yourself as a Richmond City associate or contractor.

Express only your personal opinions. Never represent yourself as a spokesperson for Richmond City. If Richmond City is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of Richmond City, fellow employees, members, customers, suppliers or people working on behalf of Richmond City. If you do publish a blog or post online related to the work you do or subjects associated with Richmond City, make it clear that you are not speaking on behalf of Richmond City. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Richmond City.”

Using social media at work

Employees must refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with the Company Equipment Policy. Employees may not use Richmond City email addresses to register on social networks, blogs or other online tools utilized for personal use.

Monitoring

Employees are advised and cautioned that they should have no expectation of privacy while participating in social media. Employee postings on social media can be reviewed by anyone, including the City. The City reserves the right to monitor comments or discussion on the internet or social media about the City (including its employees and agents). The City’s right to monitor applies to all posting, whether made by a City employee or non-City employee.

The City further reserves the right to use content management tools to monitor, review, or block content on social media that violate the City’s social media rules and guidelines.

Nothing in this section is intended to unlawfully restrict an employee’s right to engage in protected First Amendment activities.

Retaliation is prohibited

Richmond City prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Media contacts

Employees should not speak to the media on Richmond City’s behalf without contacting the City Administrator or Mayor. All media inquiries should be directed to the Mayor or designee.

SECTION 6 – RULES AND REGULATIONS

ARTICLE 1 – PAYDAY

- A. All Richmond City full-time and part-time, unless otherwise listed, employees shall be paid bi-weekly except as approved by the Mayor or City Administrator.
 - 1. A pay period shall commence on Sunday morning at 12:01 A.M. and end fourteen days later on Saturday at Midnight. Pay day for any pay period shall be on the Friday following the end of the pay period. Timecards will be due on the Monday following the end of the pay period.
 - 2. If a holiday should fall on a pay day, pay checks will be disbursed the day prior to the holiday.

ARTICLE 2 – HOURS OF WORK

- A. Workweek
 - 1. The official workweek of Richmond City employees shall be forty (40) hours per week, not including meal periods. The work week shall begin at 12:01 A.M. Saturday and end at midnight Friday. Lunch breaks shall be a maximum of one-half hour, or as determined by the supervisor or Department Head and approved by the City Administrator or Mayor.
- B. Workday
 - 1. The regular workday of city employees will be determined by the Mayor and/or the City Administrator.
- C. Office Hours
 - 1. The City office shall be open from 9:00 A.M. until 3:00 P.M., Monday through Friday, except on designated holidays as specified herein.
- D. Breaks
 - 1. A maximum of two (2) daily paid breaks of five (5) to fifteen (15) minutes, as determined by the supervisor or Department Head, may be authorized for each employee. One will be taken during each half of an eight-hour shift. Supervisors and Department Heads or their designated representative shall schedule these breaks in order to facilitate departmental operations. Breaks not taken at the designated time period shall be forfeited. Breaks may only be taken at the work

location, City Office, library or a City Maintenance Building unless otherwise approved by the City Administrator or Mayor. Time spent traveling to and from the location where the rest period is taken shall be considered part of the rest period. Break times may not be used to come to work late or leave work early. Break times also may not be saved up.

ARTICLE 3 – OVERTIME COMPENSATION

A. Workweek Defined

1. A workweek in Richmond City is defined as beginning Sunday morning at 12:01 A.M. and ending at 12:00 midnight Saturday.

B. Overtime Policy

1. Employees must obtain supervisory approval before working overtime. Working overtime without prior approval may result in discipline, but all hours worked will be compensated
2. As a general rule, employees classified as Fair Labor Standards Act (“FLSA”) non-exempt are entitled to overtime pay at one and one-half (1½) times the employee’s regular rate of pay for hours worked in excess of forty (40) in a workweek, unless provided compensatory time as described below.
3. All overtime must be approved by the City Administrator or Mayor and submitted on the current pay period .
4. Some employees may be required to take time off during the week to avoid working more than forty (40) hours in the workweek.
5. The creation and adoption of a flex time schedule shall not of itself provide the basis for overtime or compensatory time without specific approval of the City Administrator or Mayor in advance.
6. Department Heads will schedule time off for employees with accrued compensatory time credit, if applicable.
7. No overtime pay or compensatory time off is allowed for those employees classified as “Exempt.” Exempt employees may take time off during the day as approved by the City Administrator or Mayor.

- #### **C. Hours worked in excess of the required forty (40) hours must be authorized by the City Administrator or Mayor.**

ARTICLE 4 – PUBLIC WORKS DEPARTMENT AND PARKS DIVISION ON-CALL POLICY

Richmond City is of sufficient size to necessitate 24-hour response to emergencies and/or utility or weather-related problems. In order to meet this need, water, public works and park employees, in addition to their regular 40-hour work week, will be responsible for covering all emergency calls on a rotation basis within their departments. All employees as designated by their supervisor or Department Head shall participate in the on-call program.

1. Responsibilities of On-Call Employees When a public works or parks department employee is on-call, the employee will be provided access to a City vehicle.
2. After-hours calls will be initially directed to an on-call cell phone supplied by the City or other means as dictated by the City Administrator or Mayor.
3. The on-call employee will respond appropriately to any situation he/she is called out on. In such cases, minimum compensation will be one (1) hour.

B. Miscellaneous Policies Relating to On-Call Employees.

1. On-call assignments and dates will be at the direction of the City Administrator or Mayor.
2. Employees wishing to trade on-call responsibilities with other employees will be allowed to do so upon approval of the Department Head, City Administrator or Mayor.
3. The Department Head or designee shall be responsible for notifying City Administration of the name and cell phone number of the employee on-call for the week.
4. Employees will be compensated one (1) additional hour of regular pay for every twenty-four (24) hours on-call Monday through Friday. If Employees are assigned to weekends, they will be compensated for being on-call through the weekend (Saturday and Sunday) at the rate of one (1) hour of regular pay for every twelve (12) hours spent in an on-call status beginning 12:00 A.M. Saturday and running through midnight Sunday. Hours that the on-call employee spends working for the City shall be compensated as described above. Unless otherwise outlined by the City Administrator or Mayor, on-call assignments will be in twenty-four (24) hour blocks.
5. Employees who are on-call during a holiday will be compensated in the same way as an employee who is on-call over a weekend.
6. The on-call employee may use the City's vehicle only for travel when responding to calls or performing other work functions for the City. People other than City employees may not accompany employees in vehicles except when approved by the supervisor, Department Head, City Administrator or Mayor.

7. Except for on-call employees no City employee will be allowed to take a City vehicle home unless approved by the Mayor.

ARTICLE 5 – DEATH PAYMENT

Salary and accrued leave shall upon an employee's death be issued in his or her name but delivered to such beneficiary as is designated by the employee, or if none is designated, then to the surviving spouse or children or parents in that order.

ARTICLE 6 – RESIDENCY REQUIREMENTS AND PREFERENCES

There is no residency requirement for city employees.

ARTICLE 7 – USE OF CITY EQUIPMENT, MATERIALS, AND VEHICLES

- A. The use of City owned equipment and materials for personal use is prohibited without the approval of the Mayor, City Council or City Administrator.
- B. City owned vehicles are to remain at City owned facilities during non-working hours and are not to be taken home unless the employee is on-call or will be leaving the area on city business the following morning prior to the beginning of normal working hours or returning after hours. Exceptions to the vehicle policy may only be granted by the Mayor.
 1. All employees and volunteers who drive city owned vehicles and equipment must have a valid driver's license on file with the city and have an acceptable driving record. The city participates with Utah Local Governments Trust in monitoring employee/volunteer driving records as this saves us money on our insurance policy. Employees and volunteers should notify the city if anything changes on their state issued driver's license.
- C. Seatbelts must be worn at all times by all drivers and passengers within a City vehicle.
- D. Smoking, including the use of e-cigarettes, is prohibited in City vehicles.
- E. Any vehicular accident or injury in a City owned vehicle, or any accident or injury in a personal vehicle while performing work related business, must be immediately reported to the City Administrator or Mayor.
- F. While the vehicle is in operation, the operator shall not engage in any activity which will be a distraction from safe operation of the vehicle, which shall include, but not be limited to, the following activities: reading, talking or texting on the phone or upon an electronic device (unless permissible hands free device) or utilization of an electronic device, unless such employee is specifically exempt by applicable law from such requirements.
- G. Alcoholic beverages, controlled substances, or other intoxicating substances/agents are not allowed in City vehicles under any circumstances. The employee assigned the vehicle is responsible for any violations that occur as a result of any alcoholic beverages, controlled substances, or other intoxicating substances/agents being in such vehicle.

- H. Employees must comply with any preventive maintenance programs which may be required by the City. Vehicles shall be kept free of litter and debris. The physical appearance of the vehicle must create a good impression.

ARTICLE 8 – TRAVEL AND TRANSPORTATION

- A. Authorized travel by private vehicle will be reimbursed at the rate as shown in the most current version of the Prevailing Fee Schedule. Mileage allowance will not be paid unless the trip is authorized by the appropriate official in each department. When reasonable, City-owned vehicles shall be used. In those instances when a City vehicle is available and the employee chooses to use his/her own vehicle, the employee will not be eligible for a mileage allowance; however, the City will reimburse the employee for documented fuel expenses incurred while using his/her private vehicle.
- B. If, when on an errand for the City, an employee or City official uses a private vehicle, the personal liability and collision insurance coverage for the private vehicle is considered primary coverage. The City's liability insurance is secondary. Workers' Compensation insurance will cover the employee/official for incurred medical costs. A traveling companion, such as a spouse, will not be covered by the Workers' Compensation fund. Third party injuries, if the employee/official is deemed at fault, will be covered by the Workers' Compensation fund. If a City vehicle is taken on authorized trips, family members may accompany the staff member in the City vehicle, but they may not drive the City vehicle.
- C. The City requires individuals who use private vehicles for City business to provide the City with proof of personal vehicle insurance.
- D. For trips beyond a 50-mile radius of the City or requiring overnight lodging, employees may be reimbursed for reasonable and necessary lodging cost plus a maximum \$10.00 for breakfast, \$15.00 for lunch, and \$20.00 for dinner. If regular meal periods occur when the employee is within the 50-mile radius of the City even though the employee may be in route to the City, no reimbursement will be allowed. In cases where fees or registration are paid by the City which include meals, separate reimbursement for those meals will not be granted.
- E. Employees must file a travel request form prior to attending a training. If payment in advance is not possible, the City shall reimburse the employee the cash amount of the costs incurred after receiving the appropriate receipts to verify that the employee has expended his/her own money for City purposes. Employees who fail to produce receipts in these circumstances will not be entitled to reimbursement. The employee shall turn in receipts for hotel accommodations to the supervisor or Department Head as a verification of attendance no matter what the form of payment.
- F. Travel expenses must be included in the annual budget for each department anticipating travel as part of the budget process. Any trip which is not anticipated and reported in the budget must have the approval of the Mayor or City Administrator, regardless of the amount of the travel account in the department's budget.

- G. Conferences or meetings requiring overnight stay shall be limited to a maximum of two (2) per year per employee and then only when deemed to be necessary, for the direct benefit of the City, and for which there has been an allowance for such travel in the approved City budget. All conferences shall be considered by the recommendation of the supervisor, Department Head where applicable, City Administrator or Mayor, during the City's budget approval process. Special consideration for additional travel allowances may be approved by the Mayor as required to meet the needs of the City.
- H. Efforts shall be made to limit travel to conferences or meetings to those times within the regular workday. When necessary to travel outside the regular workday, such as on Saturday and Sunday, compensation will be granted for the time spent traveling in one direction, either to or from the conference or meeting. Except in approved cases, overnight stays beyond the conclusion of the conference or meeting will not be authorized.
- I. Time at conferences, training, and travel time is considered part of job duties and the employee will be paid at his/her regular hourly rate for this time. No overtime will be paid.
- J. For other expenses related to City business, employees should seek approval for costs ahead of time from a supervisory or Department Head and shall retain receipts for such costs and expenses at the time of seeking reimbursement.

ARTICLE 9 – TOBACCO/ELECTRONIC CIGARETTE FREE WORKPLACE

- A. Richmond City recognizes that tobacco and electronic cigarette use is a health risk and can be offensive to other employees and to the public. It is the policy of Richmond City to prohibit the use of tobacco and electronic cigarettes by employees while on-duty or at any time the employee is acting in an official capacity for the City.
- B. Tobacco and electronic cigarette use by employees is prohibited anytime employees are working and in public view representing the City. Smoking, electronic cigarettes and other use of tobacco products is not permitted inside any City facility, office, property or vehicle. (Utah Code 26-38-3)

SECTION 7 – CLASSIFICATION AND CAREER PROGRESSION

ARTICLE 1 – CLASSIFICATION OF POSITIONS

- A. The Mayor, City Administrator, and City Recorder, with approval of the City Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan which shall consist of minimum, midpoint, and maximum rates of pay for each classified position and such intermediate steps as deemed necessary and equitable.
- B. Each City position shall have a job description.
- C. The City assigns each regular position a classification code and salary range, as established by the City's Classification and Compensation Plan. The Classification and

Compensation Plan reflects internal and external equities, based upon assigned duties and responsibilities and market comparisons.

- D. Market research is carried out under the direction of the City Recorder.
- E. Annually the City Council will consider the results of the market comparisons and apply a market adjustment to any/all positions within the City where deemed appropriate and within the constraints of the funds available.
- F. Merit increases or “pay for performance” increases are also considered on an annual basis. The adjustments will be made based on the employees’ career development and overall performance. A “step” classification on a scale of 1 to 10 will be assigned to each employee. Poor performance by the employee may result in a decrease in the step assigned the employee previously.
- G. COLA (Cost of Living Adjustments) will be considered on a yearly basis during the annual budget process and must be approved by the City Council.

ARTICLE 2 – CAREER PROGRESSION

- A. Some City positions have movement within a career series. These positions are designated herein and are classified as career progression. Under career progression, employees are eligible for advancement and reclassification to the next career position or level upon completion of predetermined requirements as opposed to being appointed to a position based upon a competitive process when a vacancy occurs. Advancement to the next position will only be considered once all of the career progression requirements have been satisfied and must be recommended by the employee’s supervisor and Department Head, where applicable, based on the needs of the City.
- B. Employees advancing/promoting from one position to the next through career progression may receive a pay adjustment as follows:
 - 1. In the event an employee is promoted to a position of greater demand or of elevated responsibility, the employee may receive a salary increase.
 - 2. Any increase exceeding the first quartile of the new position must have Mayor or City Administrator approval, and the employee will receive an appropriate change in job title, serve a six-month promotion probationary period, and at the completion of the six-month period there will be no salary adjustment.
 - 3. The following positions will be included in the career progression program:
 - i. None at this time.
 - 4. All wage and salary increases shall be approved by the Mayor and two City Council Members.

ARTICLE 3 – POSITION ALLOCATIONS

All positions not classified as career progression positions will be considered position allocation positions and employees holding these positions will not advance without a competitive process when a vacancy occurs.

ARTICLE 4 – REGULAR FULL TIME AND PART TIME COMPENSATION SCALE

In conjunction with the annual budget process, the Mayor, and City Council shall approve a compensation scale for all regular full-time and part-time employees.

ARTICLE 5 – TEMPORARY AND SEASONAL COMPENSATION SCALE

Annually, the Mayor, City Administrator, and City Recorder shall approve a compensation scale for all temporary and seasonal employees.

ARTICLE 6 – DEVELOPMENT AND TRAINING

- A. It is the policy of Richmond City to encourage and at times require employees to attend various seminars, conferences, classes, and other related job training opportunities that are consistent with the following rules:
1. All training opportunities shall be job related and approved by the supervisor, Department Head where applicable, City Administrator, and/or Mayor.
 2. Funds shall be available in the appropriate budget to cover the anticipated costs.
 3. Training opportunities should be limited to those which will benefit both the employee and the City.
 4. Employees who willingly fail to attend or complete an assigned development and training opportunities shall be required to reimburse the City for any expenses incurred by the City including travel expenses, associated salaries, and registration fees.

ARTICLE 7 – EDUCATIONAL ASSISTANCE

- A. Certification(s) necessary for the city to maintain municipal, state and federal regulations: Actual cost paid to obtain the certification. Employees are expected to study during available work hours, as approved by the Mayor or City Administrator, as well as on personal time. City shall maintain an approved compensation schedule listed below for when certification(s) are obtained.
1. For each Culinary Water Certification obtained, starting on January 1, 2025 and after, a wage increase of \$1.00 per hour or approximately \$2,080 per year will be approved starting on the first day of the pay period after the certification is obtained.

2. For Sanitary Sewer Certifications obtained, starting January 1, 2025 and after, the following wage increases will be approved starting the first day of the pay period after the certification is obtained.
3. Treatment I - \$0.50 per hour or approximately \$1,040 per year.
4. Collection I - \$0.50 per hour or approximately \$1,040 per year.
5. Treatment II - \$0.50 per hour or approximately \$1,040 per year.
6. Collection II - \$0.50 per hour or approximately \$1,040 per year.
7. Treatment III – \$5.00 per hour or approximately \$10,400 per year.
8. Treatment IV - Will be determined and approved by the City Council & Mayor.
9. For a CDL (Commercial Driver’s License) obtained, starting January 1, 2025 and after, and required for the employee’s job, a wage increase of \$1.00 per hour or approximately \$2,080 per year will be approved starting on the first day of the pay period after the certification is obtained.

SECTION 8 – RETIREMENT POLICY

- A. Retirement is not mandatory provided the employee continues to meet the current standards of the position as determined by the City Administrator, Mayor and City Council.
- B. All City employees are covered by social security. This benefit is separate from the Utah State Retirement System (URS).
- C. All full-time and benefited part-time City employees are covered by the Utah State Retirement System (URS).

For purposes of Utah Retirement System (URS) coverage, all elected officials are classified as non-benefited part-time employees. Tier 2 elected officials are restricted to participation in the URS Tier 2 Defined Contribution Plan upon qualifying by wage.

The following positions may be exempted from participating in the Utah Retirement Systems: elected officials & part-time appointed positions.

- D. Contributions made by the City at a rate of 100% are subject to review and change on an annual basis. For more information contact the Utah State Retirement Board or the City Treasurer.

SECTION 9 –OCCUPATIONAL SAFETY AND HEALTH

It is the intent and purpose of Richmond City to comply with all applicable rules and regulations pertaining to the Utah Occupational Safety and Health Act as established under Chapter 15 of the Occupational Safety and Health Act of 1970.

- A. Richmond City shall furnish each of its employee’s employment free from recognized hazards that are causing or are likely to cause death or physical harm to such employees and does hereby require that all employees comply with the occupational safety and health standards, orders, rules, and regulations promulgated under the Utah Occupational Safety and Health Act. Compliance with this Act shall be accomplished through the establishment of an occupational safety and health program as outlined herein.
- B. Safety Program: Richmond City is committed to providing a safe workplace, and as such has implemented a safety program designed to provide training, incentives and corrective action. The city will take steps to provide department and City-wide training on safety topics periodically. Employees who fail to follow Richmond City’s safety policies will be subject to corrective action up to and including termination.
- C. In accordance with state law, Richmond City provides Worker's Compensation Insurance for all employees.
- D. In accordance with state law, management shall inspect or designate a competent person or persons to inspect frequently for unsafe conditions immediately. Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. They shall warn all employees of any dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.
- E. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether or not the time is lost. These records shall at all reasonable times be available to the Industrial Commission or its representatives upon request. Other records shall be kept as requested by the Industrial Commission.
- F. Each Department Head or supervisor shall post, in a conspicuous place, a list of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of emergency. Such list of phone numbers shall include:
 - 1. Responsible Supervisor (superintendent or equivalent)
 - 2. Doctor
 - 3. Hospital
 - 4. Ambulance
 - 5. Fire Department

6. Sheriff or Police

- G. All supervisors, Department Heads, and workmen shall be required to insure clean work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied within a reasonable amount of time. When no other method or combination of methods can be provided to prevent employees from becoming exposed to toxic dusts, fumes, gases, flying objects, dangerous rays or burns from heat, acid, caustic or/and hazardous materials of a similar nature, the City shall provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, certain types of protective clothing, etc. Provision shall also be made to keep all such equipment in good, sanitary working condition at all times.
- H. A report of any on-the-job injury resulting in disability of compensable lost time shall be submitted by the supervisor or Department Head or other designated official to the Industrial Commission and to the affected employee within seven (7) calendar days on a "First Report of Injury" form. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gasses, major equipment failure, explosions, fires, etc.) that might affect the safety or health of City employees or tend to increase the hazards thereof the Department Head or other designated authority shall notify the Industrial Commission of Utah at once. Such notification must be made whether or not any actual injuries result from the above occurrences or changes of conditions.
- I. All fatal, potentially fatal, and serious accidents shall be reported immediately to the Utah State Industrial Commission.
- J. No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of City employment or interfere with the use of any method or process adopted for the protection of employees. No employee shall refuse or neglect to follow and obey reasonable orders that are issued for the protection of health, life, safety, or welfare of employees.
- K. In addition to the rules and regulations specified above the following shall apply:
 - 1. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understanding or speaking of English might adversely affect their safety or that of other employees.
 - 2. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.
 - 3. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where an entanglement hazard exists.
 - 4. Wrist watches, rings, or other jewelry shall not be worn on the job where they constitute a safety hazard.

5. No employee shall carry liquor into a place of employment except that the place of employment shall be engaged in liquor business and this is a part of his assigned duties.
6. No intoxicated person shall be allowed to go into or loiter around any operation where workmen are employed.

L. Additional information relative to the Utah Occupational Safety and Health Act can be obtained from:

The Utah State Industrial Commission
448 South 400 East
Salt Lake City, Utah 84111
Phone: (801) 533-6401

or

The Utah Intergovernmental Personnel Agency
1234 South Main Street
Salt Lake City, Utah 84101
Phone: (801) 533-6301

M. Additional information relative to the Occupational Safety and Health Act can be obtained from:

Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210
Phone: (800) 321-OSHA
www.osha.gov

SECTION 10 – WORKERS’ COMPENSATION

- A. In the event a person employed by the City becomes ill or is injured as a result of a City service-connected accident or condition, and thereby becomes eligible for Workers’ Compensation, he/she shall be paid that compensation as provided by law.
- B. Any employee who becomes ill or injured as described above shall notify his/her Department Head, City Treasurer or City Administrator immediately so that proper documentation of the illness or injury can be made.
- C. The State of Utah Workers’ Compensation Insurance Program provides wage or salary assistance for eligible employees as a result of lost time due to an illness or accident. The initial three (3) days lost are not covered by the program and employees are encouraged to use their accumulated personal time off, if available, if they desire to maintain their current wage or salary level. Beginning with the fourth day, Workers’ Compensation will compensate the employee for lost time at a rate of 66.67 (2/3) percent of the employee’s

average daily wage or salary compensation. In the event the injury or illness requires the employee to be absent beyond fifteen (15) days, Workers' Compensation will backpay the initial three (3) days.

- D. "Double dipping" using funds derived from the Utah Workers' Compensation Insurance Program is prohibited. Employees receiving payment from the Workers' Compensation Insurance Program shall not be permitted to receive compensation from the City in the form of personal time off or compensatory time during the same period, except as provided paragraph E below.
- E. If an employee receives compensation from the Workers' Compensation Insurance Program, which will be at a rate less than that received from the city for an average workweek, the employee may use personal time off or compensatory time in an amount necessary to bridge the gap between the two amounts.
- F. Employees on the Workers' Compensation Insurance Program will only receive personal time off for the first month in which compensation is made. While on the program, the City will not participate in the Utah State Retirement System on behalf of the employee.
- G. The Worker's Compensation Insurance Program is available to assist part-time and seasonal employees with benefits similar to those for permanent employees; however, personal time off and compensatory time are not available to make up for any shortfall in wages while on the program.
- H. For further information regarding Section 10, contact the City Administrator.

SECTION 11 – SUBSTANCE ABUSE AND DRUG FREE WORKPLACE

ARTICLE 1 - GENERAL

The purpose of this section is to outline the City's policies and procedures related to ensuring a drug-free workplace by providing for a safe and productive work environment that is free from the effect of unlawful use, distribution, dispensing, manufacture, and possession of controlled substances and/or alcoholic beverages by all employees.

Policy

- 1. This policy applies to all City employees and final candidates under consideration for employment positions. Employment with the City is conditional upon compliance with this policy.
- 2. It shall be the policy of the City to identify, correct, and remove the effects of drug and alcohol abuse on job performance in order to assure the protection and safety of employees and the public.
- 3. Richmond City employees are prohibited from unlawfully manufacturing, dispensing, possessing, using or distributing any controlled substance, or be under the influence of, or be in possession of alcohol while on duty, on City premises or while in City vehicles.

City premises include buildings, parking lots, grounds, and vehicles owned by the City or personal vehicles being used for City business or on Richmond City property at any time.

4. Employees using, possessing or being at the workplace under the influence of alcohol or controlled substances shall be subject to questioning and disciplinary action. Employees may not consume alcohol before being tested or within eight (8) hours after an accident, if post-accident testing is required.
5. Employees are prohibited from having a positive drug or alcohol test result without lawful prescription disclosure. Applicants or employees who test positive may be denied employment or subject to discipline.
6. Employees are prohibited from refusing or failing to appear for a required test, or otherwise failing to cooperate with the testing process; tampering with, falsifying, substituting, or adulterating a test sample, or otherwise impeding a drug or alcohol investigation; refusing or failing to comply with treatment, rehabilitation, or return-to-work conditions, including violation of a last-chance agreement.
7. An employee must notify the City Administrator or Mayor, through the employee's supervisor, within five (5) calendar days of a drug- or alcohol-related conviction under federal or state law.
8. Any employee violating this policy may be subject to disciplinary action up to and including immediate termination.
9. Employees who hold positions the City designates as safety-sensitive, as authorized by law or ordinance, are subject to additional requirements, including pre-employment drug testing. Safety-sensitive positions include, but are not limited to:
 - a. Positions where an employee is subject to drug and alcohol testing under the Omnibus Transportation Employee Testing Act of 1991, including but not limited to: commercial driver licensed positions (CDL) or anyone operating City vehicles and equipment.
 - b. Positions that require an employee to carry or have access to firearms or class A explosives. This includes but is not limited to public safety officers.
 - c. Positions involved in work that requires an employee to have access to controlled substances. This includes but is not limited to medical personnel and law enforcement personnel.
 - d. Positions where the actions of an employee directly impact the safety and welfare of the general public, including but not limited to: crossing guards, radio dispatchers, law enforcement personnel, firefighters and utility providers.
 - e. Positions that require an employee to have any level of Peace Officers Standards and Training (P.O.S.T.) certification. This includes but is not limited to law enforcement and correctional officers.

10. In order to help achieve a drug and alcohol-free workplace, all employees and applicants for positions in the city shall be subject to these policies and procedures and will participate in alcohol and controlled substances testing as follows.
 - a. When an applicant for a position has been extended a conditional offer of employment but before beginning work.
 - b. When there is a reasonable evidence to believe that the employee is in an impaired state.
 - c. On a random basis.
 - d. As a follow-up of employment-related drug or alcohol violations.

A. Definitions

1. Alcohol - Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found. (An exception is recognized for the storage and external use of isopropyl alcohol as part of a first aid kit or as a cleaning agent.)
2. Controlled Substance - Controlled substances are defined as marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) or other controlled substances which are illegal or which may only be legally obtained and used pursuant to a physician's prescription.
3. Prescription Drug: those medications (containing drugs or other controlled substances) that are prescribed to an individual by an authorized physician.
 - a. Employees must notify their supervisor, Department Head, or Human Resources if they are taking a lawfully prescribed medication, including medical cannabis, that could impair their ability to safely and effectively perform their job duties.
 - b. The City recognizes the legal status of medical cannabis under Utah law and prohibits adverse employment actions against employees for their lawful use of medical cannabis, except as provided by Utah Code Ann. § 34A-5-115. As such, the City will not take adverse action against an employee solely for the use of medical cannabis or for being a medical cannabis cardholder unless the City would take the same action for another prescribed controlled substance used in accordance with state law.
 1. Notwithstanding the foregoing, the City may take adverse employment actions against an employee or prospective employee solely for failing a drug test for the use of medical cannabis or for being a medical cannabis cardholder where the application of this policy would: (a) jeopardize federal funding; (b) require a federal

security clearance, or any other federal background determination required by the employee's position; or (c) require a license or peace officer certification that is subject to Federal Regulations, including 18 U.S.C. Sec. 922(g)(3).

4. Positive Test - Any test result showing a blood alcohol content or the presence of any controlled substance in the test subject. The City will apply the cutoff levels for positive drug and alcohol tests as established by applicable federal and state law, including Department of Transportation (DOT) standards where relevant.
5. Refusal to Submit to Testing - Failure to provide an adequate breath, blood or urine sample without a valid and verified medical explanation after the employee has received notice that he/she is being tested and a breath, blood or urine sample is required, or if an employee engages in conduct that clearly obstructs the testing process.
6. Reasonable Suspicion - Knowledge sufficient to induce an ordinarily prudent and cautious individual under the circumstances to believe that a prohibited activity is occurring.

ARTICLE 2 – DRUG AND ALCOHOL TESTING

- A. Testing will follow applicable state and federal standards to ensure reliable results, employee privacy, and proper verification of positive tests. The City will pay the cost of required testing, and testing time will be considered work time.
- B. The City requires a final applicant selected for a position with the City to undergo an alcohol and controlled substance screen test to detect the presence of alcohol and controlled substances in the body. Refusal to take such a test shall be grounds for denial of employment.
 - a. Richmond City has a zero-tolerance policy
- C. When a designated supervisor makes a determination that there is reasonable suspicion to believe that an employee is under the influence of, or is in possession of alcohol or controlled substances, the employee shall be subject to drug/alcohol testing.
- D. Employees are subject to random drug/alcohol tests.
- E. The City maintains the right to conduct unannounced inspections of City owned property, workstations, equipment, desks, cabinets, etc. and personal property.
- F. The City maintains the right to utilize detection methods necessary for the enforcement of this policy including blood, urine, or other tests, and the use of electronic detection equipment and trained animals.
- G. Failure to cooperate with these detection methods or inspections is grounds for disciplinary action up to and including termination of employment.

- H. Upon required testing due to an accident or for reasonable cause, the employee tested shall not engage in the operation of any City equipment or engage in any employment related duties which his/her supervisor deems dangerous to him/her self or others until the results of the tests are received and the employee is released back to work by the City Administrator.
- I. If any alcohol test result shows a blood alcohol content, the employee shall be removed from, and cannot return to their position until:
 - a. The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation;
 - b. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation; and
 - c. The employee undergoes a return-to-duty test with verified negative test result for alcohol.
- J. If an employee's test result shows any alcohol concentration, the employee shall not be permitted to perform any employment functions for at least twenty-four (24) hours. If a drug test result shows that the employee has misused a controlled substance, the employee shall be removed from, and cannot be returned to their position until:
 - a. The employee undergoes evaluation by a substance abuse professional, and where necessary, rehabilitation;
 - b. The substance abuse professional determines that the employee has successfully complied with any required rehabilitation; and,
 - c. The employee undergoes a return-to-duty test with a verified negative test result for controlled substances.
- K. If results of drug/alcohol test indicate that an employee has violated this policy, the employee shall not return to work until an initial substance abuse evaluation is conducted, the employee completes any required rehabilitation and successfully passes a return-to-duty drug/alcohol test.
- L. If through his/her own initiative, an employee seeks rehabilitation treatment, the City will pay for an initial substance abuse evaluation by a practitioner of the City's choosing. The City encourages employees to enroll in a counseling or rehabilitation program. An employee will be required to sign a document agreeing to the following conditions in order to remain employed with full rights and benefits:
 - a. Any employee for whom treatment is recommended will be responsible for costs not covered by insurance. The employee will be required to use accrued comp-time, personal time off, then time from their personal leave bank as required. The City will pay the employee's benefit package during the allotted treatment time if

the City determines the employee is not to be terminated for the incident of substance abuse. Each incident will be reviewed on a case-by-case basis.

- b. If a required treatment or rehabilitation program involves confinement, the employee's position may be held for the determined length of the treatment and the employee restored to his/her former position upon successful completion of the substance abuse rehabilitation. Each incident will be reviewed on a case-by-case basis.
- M. Employees who have violated this policy and continue to work for the city shall be subject to follow-up drug/alcohol testing for a period of not less than one year and not to exceed sixty (60) months:
- a. Employees subject to follow-up testing will be tested a minimum of six (6) times in the first twelve (12) months following their return to duty.
 - b. Follow-up testing beyond one year shall be based on a need assessment provided by a substance abuse professional.
- N. Any employee is responsible to notify his/her supervisor if they are taking any substance (prescription or non-prescription) which may cause impairment of their ability to perform their job. This will allow the supervisor and the employee to determine what work may be safely performed by the employee.
- O. Employees may direct any questions regarding this policy to the City Administrator.

PROCEDURES

A. Procedures

- 1. The City may require drug or alcohol testing of employees and final candidates for safety-sensitive positions in accordance with state and Federal Law. Testing may be conducted under any of the following circumstances:
 - a. Pre-employment drug tests will be given to final candidates for safety-sensitive positions and employees transferring from non-safety-sensitive positions to safety-sensitive positions. This includes drugs only. Pre-employment tests for alcohol will not be given.
 - b. Critical Incident drug and/or alcohol testing applies to all employees. A Critical Incident is defined as any unusual occurrence involving an employee, automobile, or equipment where personal injury or property damage occurred or may have occurred. Within the context of this definition, the City Administrator will determine what constitutes a Critical Incident.
 - c. Reasonable suspicion drug and/or alcohol testing applies to all employees.
 - d. Post-accident drug and/or alcohol testing applies to all employees.

- e. Random drug and/or alcohol testing applies to all employees.
 - f. Return to duty drug and/or alcohol testing applies to all employees who have completed a substance abuse treatment program. This includes programs for drugs and/or alcohol.
 - g. As permitted by law, follow up drug and /or alcohol testing is ongoing testing, conducted on an unannounced basis, for any employee who has previously tested positive for drugs and/or alcohol.
- 2. At least twenty-five percent (25%) of the employees will be tested annually for alcohol.
 - 3. At least fifty percent (50%) of the employees in will be tested annually for drugs. Drug test may be performed at any time.
 - 4. Sample Collection:
 - a. All samples will be collected in accordance with Utah Code Ann. §34-41-104 and under reasonable and sanitary conditions.
 - b. Samples will be collected and tested in a manner that:
 - 1. ensures privacy for the individual being tested;
 - 2. reasonably prevents substitutions, tampering, or adulteration; and
 - 3. requires documentation showing samples are labeled and sealed to avoid misidentification.
 - c. Each donor will have the opportunity to provide information relevant to the test, including prescription or nonprescription drugs, medical information, or ADA-related disclosures.
 - d. Collection, storage, and transportation will be conducted to reasonably preclude contamination or misidentification.
 - e. All testing will conform to scientifically accepted analytical methods. A positive screening test must be verified by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable methods before use in employment decisions.
 - f. The City will notify the donor of verified positive test results as soon as possible in accordance with Utah Code Ann. § 34-41-103(7).
 - g. Testing will occur during or immediately after the employee's work period and will be considered paid work time. All costs of testing will be borne by the City.

5. The City Administrator is responsible for ensuring proper documentation required for this program.

SECTION 12 – HARASSMENT AND RETALIATION

ARTICLE 1 - HARASSMENT

A. Policy

1. In conformance with Richmond City's commitment to equal employment and fair employment practices, and in compliance with Title VII of the Civil Rights Act of 1964, all Richmond City employees are entitled to work in an environment free from sexual harassment or intimidation.
2. Employees may not engage in unwelcome verbal or physical conduct based on sex, race, color, religion, national origin, age, disability, pregnancy, genetics, gender identity, sexual orientation, and/or any other legally protected status under state or Federal Law.
3. Employees may not be retaliated against for engaging in a legally protected activity.
4. Employees who experience or observe harassment must promptly report it to management, Human Resources, City Administrator or the Mayor, regardless of whether they have spoken with the individual engaging in the conduct. Reports must be made even if the conduct occurs outside the workplace or is committed by a manager, elected official, coworker, customer, vendor, or any other person connected with City employment.
5. Employees who engage in harassment, retaliation, or knowingly fail to take appropriate action in response to a report may be subject to disciplinary action, up to and including dismissal, consistent with the City's disciplinary policy.
6. Managers are expected to model appropriate conduct, promptly report concerns they observe or that are reported to them, and cooperate in investigations. Failure to do so may result in discipline up through and including termination.
7. Employees are expected to promptly report harassment, cooperate in investigations, and respect confidentiality.

Types of Harassment

1. Harassment means unwelcome conduct tied to a legally protected status that:
 - a. is made a term or condition of employment, either explicitly or implicitly;
 - b. is used as the basis for employment decisions; or

- c. has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive work environment.
2. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature when.
 - a. submission to such conduct is made a condition of employment (*quid pro quo*); or
 - b. such conduct is severe or pervasive enough to create a hostile or offensive work environment.
3. Discriminatory harassment includes unwelcome conduct based on race, color, religion, sex, national origin, age, disability, pregnancy, genetics, veteran status, gender identity, sexual orientation, or any other protected status that creates a hostile, intimidating, or offensive work environment.
4. Workplace violence includes threats, intimidation, or acts of aggression that create a hostile or unsafe working environment.

B. Examples

1. Examples of the types of conduct described above include, but are not limited to, sexual advances, requests for sexual favors, direct offers of rewards or benefits for providing sexual favors for the supervisors; question about a person's sexual behavior; sexually-oriented jokes; comments about a person's body of a sexual nature; sexual innuendo; touching, patting or pinching in a sexual manner; and/or displaying sexually suggestive pictures or objects.

ARTICLE 2 – RETALIATION

- A. Retaliation is strictly prohibited. Retaliation means any adverse action taken against an employee because the employee:
 1. reported or opposed discrimination or harassment in good faith;
 2. participated in an investigation, proceeding, or hearing; or
 3. engaged in legally protected whistleblowing or other protected activity in good faith.
- B. Retaliation is prohibited whether it occurs on- or off-duty, in or outside of the workplace, and regardless of whether the individual is a current or former employee.
- C. Employees who engage in retaliation may be subject to discipline, up to and including dismissal.

ARTICLE 3 – REPORTING AND INVESTIGATION

- A. All proceedings contemplated by this policy shall be confidential and will be closed to the public, and City employees, except where disclosure is required for legitimate investigative purposes.
- B. Employees may report discrimination, harassment, or retaliation to any of the following: their supervisor, Department Head, Human Resources, City Administrator, or the Mayor. Employees do not need to follow the chain of command when reporting issues under this harassment policy. Reports may be verbal or written; written reports are preferred. Employees should also make clear to the party engaging in inappropriate conduct that such conduct is unwelcome or offensive.
- C. The City will promptly and fairly review and, if appropriate, investigate reported concerns. Investigations may be handled internally or referred to an outside investigator.
- D. Complaints against the Mayor or members of the City Council will be referred to a qualified outside investigator selected by the City Council (if the Mayor is accused) or by the Mayor (if a Council member is accused).
- E. Reports and investigations will be handled as confidentially as possible, consistent with the need to gather information and take appropriate action.
- F. The employee making the report and the accused will be notified when the investigation is concluded, consistent with confidentiality and applicable law.

ARTICLE 4 – RECORDS

- A. The City will maintain protected files for harassment complaints for at least five (5) years, or longer as required by law or the City's records retention schedule. Related material, such as disciplinary actions, will be maintained in the employee's personnel file.
- B. All information contained in harassment files is classified as Protected and/or Private under the Government Records Access and Management Act (Utah Code § 63G-2-101 et seq.). Information will be released only by the City's designated records officer, the city attorney, or as otherwise required by law or court order.
- C. Participants in any harassment matter are expected to treat all information related to the matter as confidential, private, and protected.
- D. Record of Disciplinary Action - Notice and documentation of disciplinary action resulting from investigations, reviews, and/or grievance procedures shall be placed in the individual's personnel file.
- E. Non-meritorious Complaints Records of investigations, reviews, and grievance procedures may be destroyed pursuant to applicable law if the complaint is found to be without merit.

SECTION 13 – RETURN TO WORK POLICY

Richmond City is committed to providing a safe work environment for our employees. If an employee becomes injured on the job, the city will work with the employee to get healed and returned to work as quickly as possible. When employees are able to work and be a contributing team member, the injured employee heals faster, the city staff is more productive, and the morale of the city staff is lifted.

A. WORKERS’ COMPENSATION COORDINATOR

Each supervisor or Department Head, where applicable, is the Worker’s Compensation Coordinator of that department. If the department head cannot be reached the employee is to call the City Administrator immediately at (435) 258-2092 or leave a message with the City Treasurer regarding the injury. The supervisor or Department Head, where applicable, will work with the injured employee in achieving the goal of getting the employee back to work and being a contributing member of the department.

B. MEDICAL PROVIDERS

If a life-threatening injury occurs, 911 should be called immediately to access emergency care. Employees with routine, non-life-threatening injuries should be taken by their supervisor, Department Head, or another city employee to the closest medical facility

Local facilities are:

1. Logan Regional Hospital, 500 East 1400 North, Logan, (435) 716-1000
2. North Cache Valley InstaCare, 4088 North Highway 91, Hyde Park, (435) 563-4888
3. Sterling Urgent Care, 609 South Highway 91, Richmond, (435) 294-3215
4. Cache Valley Hospital, 2380 North 400 East, Logan, (435) 713-9700

If the Network Provider is not available (after hours, etc.) call the City Administrator or Mayor to arrange medical care.

Employees must seek care from the provider designated by the City Administrator or Mayor. Failure to do so may affect their workers’ compensation claim.

C. INJURY REPORTING

All injuries, no matter how minor, must be reported immediately to the supervisor, Department Head, or City Administrator. The supervisor or Department Head will work

with the City Administrator to complete the workers' compensation claim and to help arrange medical care; if needed.

All injuries "MUST" be reported the day they occur. Failure to report injuries could jeopardize coverage of the injury.

D. POST INJURY PROCEDURES

After receiving medical treatment, the following steps must be taken:

1. Employees and their supervisor or Department Head will deliver all paperwork from the medical provider to the City Administrator.
2. The City Administrator and the supervisor or Department Head will review any restrictions given by the medical provider with the injured employee's job description and determine if the employee's normal job meets the restrictions.
3. Injured employees must comply with the restrictions given by medical personnel. Failure to do so could slow the recovery process or cause further injury.

E. RESTRICTED /LIGHT/TRANSITIONAL DUTY

Richmond City will accommodate restricted duty jobs for workers injured on the job. The City Administrator or Mayor will work with the supervisor or Department Head to design a work strategy that meets the injured employee's restrictions and accomplishes Richmond City's goals.

F. FOLLOW UP

The supervisor, Department Head, or City Administrator will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending their medical appointments, complying with their restrictions and that any restricted duty assignments are helping the employee move closer to his or her regular job duties.

G. INTERACTION WITH ADJUSTERS

One of the best ways to help an employee get healthy and return to work quickly is to communicate with adjusters who manage the workers compensation injury claim. The adjusters have access to resources and have a vast knowledge in how to help injured employees get better.

The Utah Local Governments Trust has partnered with Constitution State Services (CSS) to adjust claims. CSS can be reached at (800) 243-2490.

SECTION 14 – IMMIGRATION LAW COMPLIANCE

Richmond City is committed to full compliance with the federal immigration laws; therefore, the City is required to verify the identity and legal ability to work of all individuals before they can begin work. In keeping with this obligation, each applicant must produce documentation that shows his or her identity and legal authority to work. Each applicant must also attest to his or her legal authority to work and identify on an I-9 Form provided by the federal government. This verification form will be distributed by the City and must be completed as soon as possible after an offer of employment is made. In no event can the form be completed and returned to the City more than three business days after an individual is hired.

If an employee has provided right to work documentation that has an expiration date (with the exception of a valid U.S. Passport), updated documentation must be given to the City before this expiration date.

All offers of hire and continued employment are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States of America.

SECTION 15 – PERSONAL USE OF PUBLIC PROPERTY

This policy defines the proper use of Richmond City computers, phones, and related technical resources and the disciplinary action(s) that may be taken for violation(s) of the policies set forth in this chapter. Computers and phones are assigned to employees to facilitate effective and efficient performance of their duties. This includes tasks they perform as a direct result of their positions, related activities that promote the interests of the City (i.e. working with the legislature) and assignments associated with professional organizations in which they participate in conjunction with their City duties.

ARTICLE A – PERSONAL USE

Employees may use computers and phones assigned to them for authorized personal purposes. Use of City equipment for personal reasons is allowed as long as it only creates a de minimus additional cost or expense to the City and does not interfere with work duties or otherwise violate law, ordinance, or this Policy. Generally, personal information should not be stored on City computers. If personal information is used on a City computer it should be stored locally (i.e. CD, flash drive, local hard drive). Storing or using any file on a City computer must be in strict compliance with all laws including copyright laws. Personal files stored on a City computer are subject to monitoring, Government Records Access and Management Act (GRAMA) requests and legal holds.

ARTICLE B – TELEPHONE USAGE

Telephones are for City business purposes. Phone etiquette should be practiced at all times. Personal use for local calls is acceptable. In no case are personal toll calls permitted. Employees need to be diligent about not giving out personal or confidential information to callers. Generally, participation in telephone surveys should be declined.

ARTICLE C – USE AND CARE OF EQUIPMENT

The use of City equipment or tools for private purposes is not authorized. The following guidelines should be followed in the use and care of equipment.

1. An employee must receive the proper training and explanation of job hazards, safety procedures and training on all equipment, tools, etc. necessary for the accomplishment of the employee’s job description.
2. A commercial driver’s license (CDL) is required for operators of commercial motor vehicles. Any employee operating a motor vehicle must have a valid driver’s license.
3. Operators and passengers in a City vehicle equipped with seatbelts must wear them when the vehicles are in operation and all employees operating vehicles shall observe all local traffic laws.
4. Employees shall keep City vehicles, which are used by them, clean, presentable and serviceable. Employees are responsible to make certain the vehicle is serviced properly.

ARTICLE D – AUTHORIZED PERSONAL USE OF PUBLIC PROPERTY PURPOSE

This policy provides City employees guidance as to authorized personal use of public property, as defined in Utah Code section 76-8-101(5), to help them avoid unintentional violations of Utah Code sections 76-8-402 and 404, Offenses Against the Administration of Government. Violation of Utah Code section 76-8-402 is a felony.

A public servant is not guilty of a violation of Utah Code section 76-8-402 for authorized personal use of public property. “Public servant” means a public officer, an appointed official, employee, consultant, or independent contractor of a public entity, or a person hired or paid by a public entity to perform a government function. "Public property" means real or personal property that is owned, held, or managed by a public entity.

This policy constitutes a “written policy of the public servant’s entity” for purposes of Utah Code section 76-8-402(1)(b)(iii). For purposes of this policy, “public servants” will be referred to as “employees”.

ARTICLE E - POLICY

Employees are responsible to protect and conserve city owned or leased property and use official time in an honest effort to perform official duties. This policy does not grant to employees or create an inherent right to use government resources, and one should not be inferred. The privilege to use public property for personal purposes may be limited or revoked at any time by an appropriate supervisor, Department Head, or elected official.

Employees do not have a right to nor should they have an expectation of privacy while using government resources at any time including when they are accessing the internet, using email,

instant messaging, or telephones. Employees who wish for their personal activities to be private should not conduct such activities using public property.

To help improve the effectiveness and efficiency of government services, incidental personal use of public property is authorized under Utah Code section 76-8-402 and is further authorized under this policy.

"Incidental Personal Use" or "De Minimis Use" means an occasional personal use with little or no cost to the City and which, considering its value and the frequency with which it is used, is so small as to make accounting for it unreasonable or impractical. In determining whether the use is de minimis, the frequency and the value shall always be considered. Incidental personal use includes:

1. Use of public property for limited personal use when an employee is using the public property to perform their duties of office or employment and
2. Use of public property of a personal nature when such use of the public property:
 - Is allowed to be used by the general public;
 - Is allowed for training or skill development;
 - Is provided or required to be provided to the public servant as an employee benefit or convenience, such as lunchroom, fitness, and/or nursing room facilities;
 - Is allowed by state, federal, or city code, administrative rule, or policy;
 - Does not create more than a de minimis additional cost or expense to the government;
 - Does not interfere with the mission or operations of the City;
 - Does not interfere with the performance of any other City employee's official duties;
 - Does not compromise the integrity of state property, information, or software;
 - Is allowed to conduct an outside business or private employment or other activities conducted for private financial gain as long as approved by the City Administrator or Department Head where applicable;
 - Is otherwise permitted by an employee's manager or supervisor (e.g., a supervisor in the employee's organizational chain of command) in writing prior to usage; or
 - Is otherwise permissible under state, federal, or City Code, administrative rule or policy.

SECTION 16 – BACKGROUND CHECK POLICY

- A. It is the policy of Richmond City to perform pre-employment background checks. The purpose of performing these checks is to determine and confirm, within appropriate legal and professional limits, the qualifications and suitability of a job candidate or anyone volunteering for the particular position for which the candidate is being considered. Employment or volunteer service for the City may be denied upon the determination that a candidate background check has revealed any actions or information that is unbecoming of an employee or volunteer of the City. The policy will help ensure that employment-related decisions utilizing pre-employment background checks are made in accordance with applicable law.
- B. Richmond City may perform criminal background checks on all candidates for employment and for all those who volunteer (ex: coaches). Richmond City may also perform identity and address-related searches, various types of criminal (including a sexual offender) background checks and driving record, education, prior employment, and professional license verifications.
 - 1. Prior to working in City programs in which children or vulnerable adults participate, every City employee or regular volunteer shall obtain a background check, subject to Utah’s Bureau of Criminal Identification (BCI).
 - 2. Any person who has been convicted of child abuse, abuse of a vulnerable adult, lewdness, voyeurism, crime involving pornography, providing harmful material to a child, prostitution, patronizing a prostitute, child exploitation, endangering a child or elderly adult, sexual abuse of a child, unlawful sexual activity with a minor, rape, sexual battery, or convictions for other sex-related offenses, etc. shall be ineligible to work as a staff employee or volunteer in a City program in which vulnerable adults or children participate. Any other types of crimes will be reviewed by legal counsel who will put forth a recommendation.
- C. In general, the relevance of a particular pre-employment background check to a candidate’s eligibility for employment is based upon the following factors:
 - 1. The nature of the job for which the applicant is being considered.
 - 2. The nature of adverse or negative information; in the case of a criminal matter, the facts surrounding the matter are particularly relevant.
 - 3. The age of any adverse or negative information; the age of the applicant at the time of the adverse incident in relation to the present may also be relevant.
- D. Having adverse information, including a criminal history or conviction, does not automatically preclude a candidate’s eligibility for employment.
- E. This Background Check Policy is an annual requirement for all employees.